

## **CARSON CITY BOARD OF SUPERVISORS**

### **Minutes of the August 7, 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, August 7, 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 Richard Staub, Ward 4

**STAFF:** Larry Werner, City Manager

Alan Glover, Clerk-Recorder

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, PLEDGE OF ALLEGIANCE, AND INVOCATION (8:34:47) -**

Mayor Teixeira called the meeting to order at 8:34 a.m. Roll was called; a quorum was present. Supervisor Livermore was absent. Supervisor Staub led the pledge of allegiance. Seventh Day Adventist Church Reverend Ron Torkelsen gave the invocation.

**PUBLIC COMMENTS AND DISCUSSION (8:36:18)** - Katherine McLaughlin advised of her impending retirement, effective August 20<sup>th</sup>. She read prepared remarks into the record, recognizing former Human Resources Director Judy Fisher, former Clerk-Recorders Ted Thornton and Kiyoshi Nishikawa, present Clerk-Recorder Alan Glover, and former and current Boards of Supervisors. She wished the Board of Supervisors, City staff, and the City the best in "meeting the coming challenges of the current economic situations." The Board members, City staff, and the citizens present applauded Ms. McLaughlin. Mayor Teixeira commended Ms. McLaughlin's comments, expressed appreciation for her service to the City, and wished her the best retirement. He led another round of applause. Supervisor Williamson and the Board members congratulated Ms. McLaughlin on her upcoming marriage. Supervisor Williamson wished Ms. McLaughlin much happiness, and thanked her for "all the hard work" and her "extraordinary minutes." Supervisor Aldean thanked Ms. McLaughlin, and echoed Supervisor Williamson's comments regarding Ms. McLaughlin's prompt responsiveness to requests for information. Supervisor Staub echoed the comments of the other Board members, and wished Ms. McLaughlin the best in her retirement and in her matrimonial endeavors. Mayor Teixeira wished Ms. McLaughlin well.

(8:40:23) Sam Dehne took credit for "opening the Open Meeting Law." He noted the "dire need for scheduled airline service." He advised "this may be [his] last time at the Carson City meeting." He expressed dismay over the "scheme to take our government and turn it into cyberspace government" in the form of moving channels 10 and 26 to channels 210 and 226. "Those are not good channels. People, first of all, won't know about it. ... They won't be able to channel surf and find their government. They won't even know where to go to find their government meetings when it moves on August 26<sup>th</sup>." He expressed concern that moving the channels to 210 and 226 will remove "one of the checks and balances by removing the government from the oversight, the scrutiny of the citizens." He "demanded" that the Board do

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everything in its power to “tell Charter, ‘no.’ We’re not going to do that.” He expressed the opinion that Charter Communications should have to give “every citizen who wants one a free cable box for at least a year ... if they go through with this dire scheme.” Mayor Teixeira agreed with Mr. Dehne, and advised of having recently talked with Charter Communications representatives. He discussed a possible concession that the Board and other City committee meetings would be aired on channel 18.

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

**1. ACTION ON APPROVAL OF MINUTES - February 21, 2008 and July 3, 2008** (8:45:49) - Mayor Teixeira entertained a motion. Supervisor Aldean moved to approve the February 21, 2008 and July 3, 2008 minutes, as presented. Supervisor Williamson seconded the motion. Motion carried 4-0.

**2. CHANGES TO THE AGENDA** (8:46:35) - Mr. Werner advised of a written request to withdraw item 3.

Mayor Teixeira recessed the Board of Supervisors at 8:47 a.m.

### **LIQUOR AND ENTERTAINMENT BOARD**

**CALL TO ORDER AND ROLL CALL** (8:47:19) - Chairperson Teixeira called the Liquor and Entertainment Board to order at 8:47 a.m. Roll was called; a quorum was present including Member Ken Furlong. Member Livermore was absent.

**ACTION ON APPROVAL OF MINUTES - February 21, 2008** (8:47:40) - Member Williamson moved to approve the February 21, 2008 minutes. Member Aldean seconded the motion. Motion carried 5-0.

**3. DEVELOPMENT SERVICES - BUSINESS LICENSE - ACTION TO APPROVE A DINING ROOM WITH BEER AND WINE LIQUOR LICENSE FOR JOSEPH WILLIAMS DBA GALAXY FANDANGO, LOCATED AT 4000 SOUTH CURRY STREET, CARSON CITY** - Withdrawn.

**ACTION TO ADJOURN THE LIQUOR AND ENTERTAINMENT BOARD** (8:48:19) - Chairperson Teixeira adjourned the Liquor and Entertainment Board at 8:48 a.m.

### **BOARD OF SUPERVISORS**

Mayor Teixeira reconvened the Board of Supervisors at 8:48 a.m.

**4. DEVELOPMENT SERVICES - BUSINESS LICENSE AND CARSON CITY CONVENTION AND VISITORS BUREAU - ACTION TO CONDUCT A SHOW CAUSE HEARING RELATING TO THE BUSINESS LICENSE OF RALPH AHMAD DBA DOWNTOWNER MOTOR INN (BUSINESS LICENSE #08-13472), LOCATED AT 801 NORTH CARSON STREET, APN 002-164-02, FOR FAILURE TO MAINTAIN CITY ACCOUNTS IN GOOD STANDING, I.E., CARSON CITY CONVENTION AND VISITORS BUREAU ROOM TAX, AND POSSIBLE ACTION TO SUSPEND, CANCEL, OR REVOKE THE BUSINESS LICENSE** (8:48:39) - Development Services Director Walter Sullivan introduced this item, reviewed the agenda report and the pertinent agenda materials.

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(8:51:04) Carson City Convention and Visitors Bureau (“CCCVB”) Executive Director Candace Duncan and Accountant Molly Bundy-Toral introduced themselves for the record. In response to a comment, Ms. Bundy-Toral advised of being uncertain as to the amount of room tax owed “because we never received any reports.” She reviewed the reporting process, and advised that no report had been submitted since January 2008. She further advised that Mr. Ahmad had been previously in arrears for the months of September through December 2007. “He did end up paying that in January ...” In response to a question, Ms. Bundy-Toral referred to the worksheet included in the agenda materials which estimated the total tax that “could be owed.” In response to a further question, she advised of no recent discussions between CCCVB staff and Mr. Ahmad. She further advised of having “spent a lot of time on this property.”

Mr. Sullivan related details of a recent telephone conversation with the Downtowner Motor Inn manager. Mr. Sullivan stated “there should have been some reports to the Convention and Visitors Bureau regarding the overnighters. That’s a requirement under City code to provide that ... on a monthly basis.” Mr. Sullivan acknowledged a recommendation to revoke the business license for non-payment of room taxes.

(8:54:36) Ralph Ahmad explained that the property had been “closed for about three years. And it took a lot of time and money to open that back up.” He cited the “financial difficulties ... because of opening back up and the business starting from scratch” as “one of the big reasons [he] was behind.” He expressed a willingness to “pay every penny of it” today. In response to a question, he referred again to the financial difficulties experienced and advised that the motel manager “was supposed to be taking care of these issues ... Things didn’t work out.” He acknowledged having collected room tax during the delinquent period of time, and that he had used the room tax revenues rather than paying the City. Mayor Teixeira noted the number of months the payment of taxes had been delinquent. In response to a question, Mr. Ahmad reiterated his willingness to pay all that is owed. In response to a further question, he advised of having calculated \$1,245 in delinquent taxes. Ms. Bundy-Toral acknowledged penalty and interest had accrued on the delinquent taxes. In response to a question, Mr. Ahmad expressed a willingness to go directly to the CCCVB offices “and get everything straightened out ... and do it the right way.” Mayor Teixeira expressed the belief that Mr. Ahmad’s actions represented an insult to the CCCVB.

In response to a question, Mr. Ahmad estimated 20 long-term tenants reside in the Downtowner Motor Inn. In response to a question, Mr. Sullivan advised that the City cannot issue the next business license until all delinquent taxes are paid. If the business license is revoked, the Planning Division will impose a condition indicating a maximum 28-day tenant stay. A special use permit would then be required to designate the hotel as extended stay. Mr. Sullivan acknowledged that revoking the license would “put people on the street” within a week to ten days. In response to a further question, he advised the motel could not continue to operate without a business license. Supervisor Staub expressed a preference to avoid “putting anybody out on the street,” but noted the inordinate amount of City and CCCVB staff time spent addressing this issue. He further noted that revoking the business license would force Mr. Ahmad to take some time to correct the problem. He expressed opposition to allowing Mr. Ahmad to address the issue “on the steps of the Sierra Room or ... the CCCVB.” He suggested it may take time for the CCCVB to review and verify documentation submitted by Mr. Ahmad. He noted that Mr. Ahmad could have avoided the show cause hearing simply by responding to the numerous requests. Apart from leaving someone homeless, Supervisor Staub expressed a preference to revoke the license.

Mr. Ahmad pointed out several gentlemen with whom he is negotiating the sale of the motel. He expressed understanding for his responsibility in the matter, and discussed “personal problems” associated with the

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motel being closed. He reiterated a willingness to work with CCCVB staff, and advised “they can contact me any time they want.” He referred again to the ongoing negotiations to sell the motel. He acknowledged ownership of the business and the property.

(9:02:16) David Scheer advised of having invested “hundreds of thousands of dollars in getting that property refurbished and reopened; everything from the paving to the air conditioners to the furniture.” He advised of having applied for a new business license. “We’re trying to get in there, even this afternoon, and take over running this business.” He acknowledged the business hasn’t been run “efficiently and properly.” In response to a question, he advised that Mr. Ahmad had granted him fifty percent ownership in the property for a fee. In addition, Mr. Scheer reiterated having invested in refurbishing the property “to get it up to health code standards, to put in all new air conditioners, to do whatever repair is necessary so that it could be a functioning business.” He acknowledged his investment is at risk “to some extent.” He provided background information on his involvement in the business, thus far. He advised that he and his family “haven’t received one penny of profit or income from this.” He further advised that “there already is a business license in the works.” He advised of meetings scheduled with the Health Inspector and Fire Department Inspector. He stated, “I’m ready to step in and take over running this motel.” In response to a question, Mr. Scheer advised that his brother had met with Treasurer Al Kramer and Business Development Manager Joe McCarthy. In response to a further question, he expressed a willingness to pay the delinquent taxes if Mr. Ahmad doesn’t.

Mr. Sullivan acknowledged that the Downtowner Motor Inn is not permitted as an extended stay motel. Mr. Werner advised that the City could not issue a business license which permitted extended stays at the motel. He further advised that the Carson City Municipal Code prohibits the City from issuing a business license on a property with delinquent lodging taxes. Mr. Ahmad provided additional information with regard to the sale negotiations.

(9:07:23) Eric Scheer advised of having talked to first trustee holder, James DiMartino, who expressed a willingness “to work with us in any way to get that property functioning again because he’s not getting his rents ...” In response to a question, Mr. Scheer advised that Mr. DiMartino is not getting his rents for “the same reason [the CCCVB] is not getting the taxes.” Mr. Scheer expressed a willingness to “step up and take control of this and run it efficiently with the City’s best interests in mind.”

In response to a question, David Scheer advised the Downtowner Motor Inn has 33 rooms. Mr. Ahmad acknowledged the occupied rooms are “all extended stay.” In response to a further question, Mr. Ahmad clarified the rooms are occupied “for more than a night.” Supervisor Aldean expressed understanding for the Scheers’ concern over continuing to operate the property as a motel. She pointed out that if the majority of tenants are occupying rooms in violation of City code, then there’s “no harm, no foul because they’ll be required to leave regardless of what transpires here today.” In response to comment, David Scheer advised that the Board’s revocation of Mr. Ahmad’s business license was of no concern to him. “As long as the motel’s operating properly under the approved statutes and licenses, that’s fine.” Mr. Scheer advised that he would abide by all City code provisions. Mr. Ahmad further clarified that no tenant occupies a room for longer than 28 days. “They’re there for a week and then they move out and then they move back in. .... They go from motel to motel.” Supervisor Aldean reiterated a sensitivity to avoid doing anything injurious to the Scheers’ business interests, and that revoking Mr. Ahmad’s business license would not be a detriment to the Scheers. Mr. Scheer acknowledged the accuracy of her statement. Supervisor Aldean pointed out that some of the tenants may be lost, but suggested the Scheers may want to change the “tenant

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mix as the new owners of that facility." Mr. Scheer acknowledged the revocation of Mr. Ahmad's business license would not be a detriment to him.

In response to a question, Mr. Ahmad advised that the Scheers were running the motel from its re-opening in September 2007 to January 2008. He acknowledged having received a letter in February regarding the delinquent taxes. He further acknowledged his name is on the business license. He advised of having "taken care" of the delinquent taxes in February. "I was so far behind in bills at that point after that, this is why I'm here today." Mr. Ahmad reiterated the willingness "to pay every penny of it and get current," and to work very closely with CCCVB staff. He committed to not allowing this to happen again.

Mayor Teixeira entertained a motion. Supervisor Staub advised that Mr. Ahmad would be provided "the opportunity and the impetus to get this straightened out." **Supervisor Staub moved to revoke the business license of Ralph Ahmad dba Downtowner Motor Inn, Business License No. 08-13472, located at 801 North Carson Street, Carson City, APN 002-164-02, for failure to maintain City accounts in good standing, i.e., non-payment of required motel / hotel room tax pursuant to CCMC 4.04.210-D.** Supervisor Aldean seconded the motion. Mayor Teixeira requested a roll call vote. **Supervisors Williamson, Aldean, Staub, and Mayor Teixeira - yes. Motion carried 4-0.**

Mayor Teixeira acknowledged Sam Dehne. (9:12:50) Mr. Dehne suggested that, in consideration of the "less than \$2,000" owed and the thirty-minute discussion, the Board could have had "some compassion, let them pay the money, charge them a penalty ..." He further suggested, based on the testimony, "the whole thing would be straightened out by this time next week or thereabouts." Supervisor Aldean discussed the history of this "troublesome property," and advised the subject hearing was not an isolated incident.

**5. CONSENT AGENDA** (9:15:17) Mayor Teixeira entertained requests to separately hear consent agenda items. Supervisor Aldean requested to hear items 5-5 and 5-9(A) separate from the consent agenda. Mayor Teixeira entertained requests from the public and, when none were forthcoming, a motion. **Supervisor Staub moved to approve the remainder of the consent agenda, consisting of 5-1, one item from the Sheriff; 5-2, one item from the Sheriff and the District Attorney; 5-3, two items from the Treasurer; 5-4, five items from the Assessor; 5-6, one item from the City Manager; 5-7, one item from Development Services - Engineering; 5-8, one item from Fire, as Resolution No. 2008-R-39; four items under item 5-9, Purchasing and Contracts; 5-10, one item from Parks and Recreation; 5-11, one item from Human Resources, for a total of 18 items.** Supervisor Williamson seconded the motion. Motion carried 4-0.

**5-1. SHERIFF - ACTION TO APPROVE THE ACCEPTANCE OF THE OFFICE OF CRIMINAL JUSTICE ASSISTANCE GRANT 08-JAG-01, TRINET NARCOTICS TASK FORCE, IN THE AMOUNT OF \$91,000.00**

**5-2. SHERIFF AND DISTRICT ATTORNEY - ACTION TO APPROVE CONTRACT NO. 08-09-084, JOINDER CONTRACT WITH PERKIN-ELMER LIFE AND ANALYTICAL SCIENCES THROUGH THE STATE OF NEW YORK, FOR THE PURCHASE OF A GAS CHROMATOGRAPH AND ASSOCIATED EQUIPMENT IN THE AMOUNT OF \$71,000 TO BE FUNDED FROM THE GAS CHROMATOGRAPH LINE ITEM IN THE CAPITAL ACQUISITION FUND, AS PROVIDED FOR IN FY 2008 / 2009**

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**5-3. TREASURER**

**5-3(A) ACTION TO ORDER AND DIRECT THE CARSON CITY TREASURER TO SELL THE FOLLOWING PROPERTIES: APN 1-074-12 AT 904 WEST WINNIE LANE FOR \$2,913.61; APN 2-164-02 AT 801 NORTH CARSON STREET FOR \$20,854.60; APN 2-412-05 AT 309 BOULDER DRIVE FOR \$4,589.78; APN 4-042-20 AT 1124 TAMARISK STREET FOR \$2,200.38; APN 7-113-04 AT MURPHY DRIVE FOR \$29.54; APN 8-281-45 AT 4489 EAST NYE LANE FOR \$3,864.56; APN 8-541-86 AT 3030 NORTH DEER RUN ROAD FOR \$5,035.21; APN 8-591-21 AT 27 KIT SIERRA LOOP FOR \$1,818.11; APN 8-783-10 AT 2751 CENTURY DRIVE FOR \$2,906.34; APN 9-527-03 AT 1132 FREMONT STREET FOR \$3,394.48; APN 9-541-16 AT 1314 HEATHER WAY FOR \$2,284.08; APN 10-192-02 AT 4437 SOUTH EDMONDS DRIVE FOR \$5,974.28, AFTER GIVING NOTICE OF SALE, FOR A TOTAL AMOUNT NOT LESS THAN THE AMOUNT OF TAXES, COSTS, PENALTIES, AND INTEREST, LEGALLY CHARGEABLE AGAINST THE PROPERTY, AS STATED IN THE ORDER**

**5-3(B) RATIFICATION OF SECURITIES LENDING CONTRACT**

**5-4. ASSESSOR**

**5-4(A) ACTION TO APPROVE THE REMOVAL OF A PORTION OF THE TAXES FROM PARCEL NUMBER 007-042-22, LOCATED AT 4270 OLD CLEAR CREEK ROAD, FROM THE 2008/09 REAL PROPERTY TAX ROLL PER NRS 361.765, IN THE AMOUNT OF \$1,506.70**

**5-4(B) ACTION TO APPROVE THE REMOVAL OF A PORTION OF THE TAXES FROM PARCEL NUMBER 009-462-12, LOCATED AT 708 PIOCHE STREET, FROM THE 2008/09 REAL PROPERTY TAX ROLL PER NRS 361.765, IN THE AMOUNT OF \$423.58**

**5-4(C) ACTION TO APPROVE THE PARTIAL REMOVAL OF TAXES FOR PARCEL NUMBER 002-134-06, LOCATED AT 312 EAST PARK STREET, FROM THE 2008/09 REAL PROPERTY TAX ROLL PER NRS 361.060, IN THE AMOUNT OF \$501.08**

**5-4(D) ACTION TO APPROVE THE REMOVAL OF TAXES FOR PARCEL NUMBER 004-011-06, LOCATED ON SOUTH STEWART STREET, FROM THE 2008/09 REAL PROPERTY TAX ROLL PER NRS 361.055, IN THE AMOUNT OF \$12.37**

**5-4(E) ACTION TO APPROVE THE REMOVAL OF A PORTION OF THE TAXES FROM PARCEL NUMBERS 002-022-06, 201 STONEGATE WAY; 002-363-03, 1921 CAMILLE DRIVE; 002-431-11, 1929 BELMONT AVENUE; 002-532-18, 1700 HAMILTON CIRCLE; 003-091-02, 512 SOUTH CURRY STREET; 003-116-01, 408 SOUTH CARSON STREET; 003-127-05, 504 WEST FIFTH STREET; 003-192-09, 204 NORTH MINNESOTA STREET; 004-181-01, 511 EAST PROCTOR STREET; 007-042-24, 4410 OLD CLEAR CREEK ROAD; 007-351-03, 2650 MANHATTAN DRIVE; 008-261-03, 2405 MAYFLOWER WAY; 008-231-12, 2883 KIT SIERRA WAY; AND 009-283-07, 400 WEST ROLAND STREET, FROM THE 2008/09 REAL PROPERTY TAX ROLL PER NRS 361.765, IN THE AMOUNT OF \$2,014.91**

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**5-5. PUBLIC WORKS - ACTION TO APPROVE AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN AN ASSISTANCE AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR A GRANT IN THE AMOUNT OF \$286,000.00**

(9:17:01) - Mayor Teixeira introduced this item. Supervisor Aldean referred to the recent stage 1 voluntary water restriction, and requested Deputy Public Works Director Ken Arnold to explain the reasons for the restriction and the effect of the subject EPA grant. In conjunction with the agenda report, Mr. Arnold provided background information and explained the reason for the recent stage 1 voluntary water restriction. He thanked "everybody that did voluntarily hold back a little bit, to include our Parks Department, the State ..." In response to a question, he advised of recent discussions regarding issues associated with pharmaceuticals and personal care products. He expressed the understanding, "from very reliable sources that EPA is not pressing that issue at all because it's just a little too far out there." He acknowledged that the match requirement for the grant has been budgeted.

**Supervisor Aldean moved to approve and authorize the Public Works Director to sign an assistance agreement with the United States Environmental Protection Agency for a grant in the amount of \$286,000.00. Supervisor Williamson seconded the motion.** In response to a question, Mr. Arnold advised that the City is "doing okay" with regard to the water supply. He explained that storage levels have been maintained, "a lot of boosters and pumps ... on the west side" have been replaced, and demand is "pretty steady" at approximately 21 million gallons per day. In response to a further question, he advised that no water is yet being pumped from the new well drilled by Vidler Water Company. In response to a further question, he advised of more problems with boosters than wells. "Well 41 hiccupped, and we got that one back up and going ..." Mayor Teixeira called for a vote on the pending motion; **motion carried 4-0.**

**5-6. CITY MANAGER - ACTION TO AUTHORIZE MAYOR TEIXEIRA TO SIGN THE AMENDED LEASE AGREEMENT WITH THE STATE OF NEVADA DEPARTMENT OF CULTURAL AFFAIRS FOR LOT 44 IN THE INDUSTRIAL AIR PARK FOR THE PURPOSE OF SUPPORTING CONSERVATION, DOCUMENTATION, AND STORAGE OF HISTORIC COLLECTIONS, EDUCATIONAL PROGRAMS, AND TOURS; HISTORIC RESEARCH; AND PREPARATION OF MUSEUM EXHIBITS**

**5-7. DEVELOPMENT SERVICES ENGINEERING - ACTION TO APPROVE DEDICATION OF A PUBLIC ROADWAY, FROM J.C. DEVELOPMENT CO. TO CARSON CITY; CONTAINING 40,677 SQUARE FEET ±; FROM FORMERLY APN 008-206-13 AND NOW APN 005-054-07, LOCATED AT TECHNOLOGY WAY, SOUTH OF ARROWHEAD DRIVE**

**5-8. FIRE - ACTION TO ADOPT A RESOLUTION ADOPTING AND APPROVING A COOPERATIVE FIRE PROTECTION AGREEMENT (AGREEMENT NO. NV-FAA-0801 101) BETWEEN THE UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT CARSON CITY DISTRICT OFFICE, CARSON CITY, NEVADA, AND CARSON CITY, ON BEHALF OF THE CARSON CITY FIRE DEPARTMENT, CARSON CITY, NEVADA, AND APPROVAL OF THE ANNUAL OPERATING PLAN, AND OTHER MATTERS PROPERLY RELATED THERETO**

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### **5-9. PURCHASING AND CONTRACTS**

**5-9(A) ACTION TO DETERMINE THAT CONTRACT NO. 0809-085 IS A CONTRACT FOR ITEMS WHICH MAY ONLY BE CONTRACTED FROM A SOLE SOURCE AND THEREFORE NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 0809-085, A REQUEST FOR THE PURCHASE OF THREE (3) AQUA-LATOR AERATORS FROM SIEMENS WATER TECHNOLOGIES FOR A NOT-TO-EXCEED COST OF \$59,682.00 TO BE FUNDED FROM THE WWTP UPGRADE PHASE IA FUND, AS PROVIDED IN FY 2008 / 2009** (9:22:43) - Mayor Teixeira introduced this item. In response to a question, Deputy Public Works Director Ken Arnold anticipates the additional aerators will help address the odor “to a degree ... It’s going to help the process overall.” He clarified the aerators are not an odor-control measure. Mr. Werner explained the odors emanate from the headworks. Mr. Arnold further clarified that the aerators assist in processing sewage; they are not for odor abatement. Supervisor Aldean explained her understanding of the increase in odor due to the lack of water flowing into the plant because of water conservation measures, low flow toilets, etc.

Supervisor Williamson acknowledged Kyle Menath’s retirement, and thanked him for all his years of service to the City. Mayor Teixeira entertained a motion. **Supervisor Aldean moved to determine that Contract No. 0809-085 is a contract for items which may only be contracted from a sole source and, therefore, not suitable for public bidding, pursuant to NRS 332.115, and to approve Contract No. 0809-085, a request for purchase of three Aqua-Lator aerators from Siemens Water Technologies for a not-to-exceed cost of \$59,682.00, to be funded from the WWTP upgrade, phase 1A fund, as provided for in FY 2008 / 2009. Supervisor Williamson seconded the motion. Motion carried 4-0.** Mr. Werner suggested briefing the Board on the status of the wastewater treatment plant upgrade and “where the odor-control process is in that phasing.” Mayor Teixeira suggested drafting a memo.

**5-9(B) ACTION TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND TO APPROVE THE RELEASE OF FINAL PAYMENT IN THE AMOUNT OF \$17,580.63 FOR CONTRACT NO. 2006-111, TITLED BOB BOLDRICK THEATER RENOVATION PROJECT, TO BUILDING SOLUTIONS, LLC**

**5-9(C) ACTION TO DETERMINE THAT WASTEWATER SOLIDS MANAGEMENT, INC. IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, AND TO AWARD CONTRACT NO. 0809-065 TO CARSON CITY WASTE WATER RECLAMATION PLANT DIGESTER CLEANING TO WASTEWATER SOLIDS MANAGEMENT, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$69,000.00, AND A CONTINGENCY AMOUNT OF \$20,000.00, TO BE FUNDED FROM THE WWTP UPGRADE PHASE IA FUND, AS PROVIDED IN FY 2008 / 2009**

**5-9(D) ACTION TO DETERMINE THAT SOLID WASTE REDUCTION SERVICES IS THE ONLY RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO NRS CHAPTER 332, AND TO AWARD CONTRACT NO. 0809-052, CARSON CITY LANDFILL SCRAP METAL RECYCLING TO SOLID WASTE REDUCTION SERVICES THROUGH JUNE 30, 2011 FOR RECYCLING SCRAP METAL FROM THE CARSON CITY LANDFILL**

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**5-9(E) ACTION TO DETERMINE THAT CONTRACT NO. 0809-087, PROFESSIONAL SERVICES CONTRACT ENTERED INTO BY PHYSICIAN SELECT MANAGEMENT, LLC, TO PROVIDE MEDICAL SERVICE AT THE CARSON CITY SHERIFF'S DETENTION FACILITY AND THE CARSON CITY REGIONAL JUVENILE JUSTICE CENTER DETENTION FACILITY, IS A CONTRACT FOR PROFESSIONAL SERVICES AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 0809-087, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY PHYSICIAN SELECT MANAGEMENT, LLC, THROUGH JUNE 30, 2009 FOR A NOT-TO-EXCEED COST OF \$89,000.00 TO BE FUNDED FROM THE MEDICAL SERVICES ACCOUNT, AS PROVIDED IN FY 2008 / 09**

**5-10. PARKS AND RECREATION - ACTION TO APPROVE AN AMENDMENT TO THE WILSON PROPERTY PURCHASE AND SALE AGREEMENT WHICH WAS APPROVED BY THE BOARD OF SUPERVISORS ON JULY 3, 2008, BY EXTENDING THE DATE TO CLOSE THE TRANSACTION TO JANUARY 7, 2009**

**5-11. HUMAN RESOURCES - ACTION TO RENEW VISION INSURANCE COVERAGE WITH VISION SERVICE PLAN (VSP)**

**ORDINANCES, RESOLUTIONS, AND OTHER ITEMS**

**6. CARSON CITY CONVENTION AND VISITORS BUREAU - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 4, LICENSE AND BUSINESS REGULATIONS, BY AMENDING CHAPTER 4.08, ROOM RENTAL TAX, SECTION 4.08.080, IMPOSITION AND RATE OF TAX, AND OTHER MATTERS PROPERLY RELATED THERETO (9:26:00) -** Carson City Convention and Visitors Bureau Accountant Molly Bundy-Toral reviewed the agenda report, and the provisions of SB583. She acknowledged the two percent would still be set aside if there is ever any increase to the room tax percentage. She responded to questions regarding the percentage allocations. In response to a further question, she advised that no reimbursement will be made to the park capital fund in an amount equal to the funds previously directed to other uses.

Mayor Teixeira entertained a motion. Supervisor Staub moved to introduce, on first reading, Bill No. 129, an ordinance amending Carson City Municipal Code, Title 4, License and Business Regulations, by amending Chapter 4.08, Room Rental Tax, Section 4.08.080, Imposition and Rate of Tax, and other matters properly related thereto, as stated in the board agenda, provided further that Title 4 of the CCMC be amended as follows: two percent of the seven percent room tax may only be used to redeem the general obligation bonds issued for any recreational facilities in Carson City. Supervisor Aldean seconded the motion. Motion carried 4-0.

**7. DEVELOPMENT SERVICES - PLANNING AND ZONING**

**7(A) ACTION TO APPROVE AN EXTENSION OF ONE YEAR FOR FILING OF A FINAL MAP FOR THE SUBDIVISION KNOWN AS SCHULZ RANCH, LOCATED BETWEEN CENTER DRIVE AND BIGELOW DRIVE, TSM 05-144 (9:29:29) -** Mayor Teixeira introduced this item, and requested representatives of Reynen and Bardis and Lennar Communities to come to the podium. Lennar Communities Vice President of Finance Dustin Barker introduced himself for the record. In

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response to a question, Mr. Barker advised he was not prepared to commit to abating the race track property nuisance. Mayor Teixeira requested to continue this item to the August 21, 2008 Board of Supervisors meeting. He advised of working on an issue which would be presented to the Board in closed session. He thanked Mr. Barker for his time.

**7(B) ACTION TO ADOPT BILL NO. 128, ON SECOND READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 17, DIVISION OF LAND, SUBDIVISION OF LAND; CHAPTER 17.17, RESIDENTIAL CONDOMINIUMS, SECTION 17.17.070, PACE OF CONVERSIONS, BY REDUCING THE TWICE-YEARLY REQUIREMENT FOR VACANCY RATE DETERMINATION TO ONCE YEARLY; AMENDING TITLE 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, SECTION 1.1, ARCHITECTURAL DESIGN, 1.1.7, TO ADD LANGUAGE REGARDING THE EXCLUSION OF THE SCREENING REQUIREMENT FOR ROOF-MOUNTED SOLAR PANELS; AMENDING SECTION 1.3, LIGHTING STANDARDS, 1.3.3(4) TO MODIFY LIGHT FIXTURE HEIGHT CRITERIA WHEN ADJACENT TO RESIDENTIAL ZONES; AMENDING SECTION 1.14, CORNICES, PORCHES, AND PROJECTIONS INTO SETBACKS, TO ADD LANGUAGE FOR CLARIFICATION OF ENCROACHMENTS INTO REQUIRED SETBACKS FOR LANDING PLACES, OUTSIDE STAIRWAYS, RAILINGS, AND GUARDRAILS; AND AMENDING DEVELOPMENT STANDARDS 2, PARKING, DIVISION 2.1.12, BY DELETING THE INACCURATE TERM “ADMINISTRATIVE VARIANCE” AND ADDING THE APPROPRIATE TERMINOLOGY OF “ADMINISTRATIVE PERMIT;” INCLUDING VARIOUS TECHNICAL CORRECTIONS; AND OTHER MATTERS PROPERLY RELATED THERETO (9:30:22) - Mayor Teixeira introduced this item, and entertained public comment. When none was forthcoming, he entertained a motion. Supervisor Williamson moved to adopt Bill No. 128, on second reading, Ordinance No. 2008-29, an ordinance amending the Carson City Municipal Code, Section 17.17.070, amending Title 18.16, Development Standards, Division 1.1.7, 1.3.3(4), 1.14, and 2.1.12, as published on the agenda, including various technical corrections; based on the findings contained in the staff report. Supervisor Aldean seconded the motion. Motion carried 4-0.**

**7(C) ACTION TO ADOPT A RESOLUTION ADOPTING THE CARSON RIVER WATERSHED REGIONAL FLOOD PLAIN MANAGEMENT PLAN SUBMITTED BY THE CARSON WATER SUBCONSERVANCY DISTRICT (9:31:31) - Mayor Teixeira introduced this item. He recessed the meeting at 9:31 a.m. and reconvened at 9:37 a.m. Senior Project Manager Robb Fellows provided background information on development of the Regional Flood Plain Management Plan, and the associated public process. He introduced Ed James and Genie Azad, of the Carson Water Subconservancy District (“CWSD”).**

(9:38:05) Mr. James provided additional background information on the Regional Flood Plain Management Plan. He explained that the plan represents a “concept to move us forward. This is not an ordinance. This is not something to talk about facilities.” He advised that, with approval of the plan, CWSD representatives will begin working on “the details and implementation plans that will hopefully protect the community, ... actually keep our insurance costs down, and actually look at protecting the River, as it functions.” In response to a question, Mr. James advised that the plan will be presented to “all five counties in the watershed” over the next month.

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(9:39:32) Ms. Azad advised of having received recommendations of approval from all five planning commissions throughout the watershed, in addition to the Carson River Advisory Committee and the Open Space Advisory Committee. She commended Mr. Fellows on his knowledge and technical expertise in development of the plan, and acknowledged Dan Kaffer, of Western Nevada Resource Conservation and Development, who had been “involved in every step of the process.” She narrated a SlideShow presentation. She acknowledged the plan does not represent a “one-size-fits-all” solution. In response to a question, she discussed the need to update the data to reflect the actual conditions. In response to a further question, she discussed the need for local implementation with consideration given to the entire region. By approaching the data update from the watershed perspective, “we really increase our ability to get funding, we increase pressure on FEMA and other entities ... to get this right.”

Supervisor Aldean thanked Ms. Azad for her presentation. In response to a question, Ms. Azad advised that adopting the plan does not translate to adopting National Flood Insurance Program (“NFIP”) standards. She further advised of having considered the NFIP to incorporate aspects in the plan, to the extent possible. She noted “wonderful ideas” in the NFIP, and advised that the Regional Flood Plain Management Plan will be submitted for credit. In response to a further question, she emphasized that the Regional Flood Plain Management Plan does not include regulations or requirements. In response to a question, Mr. Fellows estimated 10 to 20 homes along the Carson River which may be “at risk.” Supervisor Aldean read a NFIP standard into the record regarding formulation of community development goals following a flood event. In response to a question, Planning Division Director Lee Plemel advised there is no transfer of development rights ordinance in Carson City. In response to a question, Mr. Fellows advised that FEMA has programs available to help property owners relocate following a flood event. He acknowledged the programs are contingent upon City and property owner partnership. He responded to additional questions regarding flood insurance provisions. Mr. Werner discussed various alternatives to relocation, including elevation of a structure. “There are ways to do things but it’s all voluntary. There’s no mandatory requirement ...” With regard to the NFIP, Mr. Werner advised of minimum elements required to be adopted by a community.

Supervisor Williamson thanked Ms. Azad, Mr. Fellows, and Mr. James. She advised that Mr. Kaffer was called away from the meeting, but noted his support and involvement in developing the Regional Flood Plain Management Plan. Supervisor Williamson provided background information on development of the plan, and noted the River as the number one priority of the Open Space Master Plan element. She expressed support for the plan.

Supervisor Staub expressed appreciation for the presentation. He acknowledged the cooperative nature of the requested approval, but inquired as to fiscal impact “down the line.” Mr. Fellows anticipated no fiscal impact in that “there’s nothing beyond what we currently do.” He advised of the intent to get a better community rating which would eventually return as savings on premiums and property damage and loss. “It’s kind of a balance. The more effort you put into it, ... more apt to get less damage from a flood.”

Mayor Teixeira noted the five counties involved in development of the plan. Mr. James acknowledged the benefit of “strength in numbers.” He pointed out there was no cost associated with approval of the plan, but advised that implementing the recommendations will “come back in the future.” He advised that CWSD representatives will return to the Board to request consideration of future projects in conjunction with plan recommendations. Mayor Teixeira requested Mr. James to inform Mr. Werner as the other counties adopt the plan. Mr. James assured the Board members the CWSD is seeking “all or nothing”

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approval of the plan. Mr. Werner advised that many of the plan recommendations had already been discussed among City representatives. "It certainly makes that effort much better" in consideration of upstream counties. Mr. James acknowledged that Alpine County, California will also consider adoption of the plan as one of the five counties. He reiterated that the Alpine County Planning Commission recommended adoption of the plan.

Mayor Teixeira entertained a motion. **Supervisor Williamson moved to adopt Resolution No. 2008-R-40, a resolution to adopt the Carson River Watershed Regional Flood Plain Management Plan, submitted by the Carson Water Subconservancy District. Supervisor Aldean seconded the motion. Motion carried 4-0.**

### **REDEVELOPMENT AUTHORITY**

#### **CALL TO ORDER AND ROLL CALL**

#### **ACTION ON APPROVAL OF MINUTES**

##### **8. MAYOR TEIXEIRA**

**8(A) DISCUSSION AND POSSIBLE ACTION TO REPAY THE GENERAL FUND FOR THE \$2,000,000 PROVIDED TO THE REDEVELOPMENT AUTHORITY; THE REPAYMENT WOULD BE COMPLETED WITHIN EIGHT YEARS OR SOONER OF THE DATE OF THE APPROVAL OF THIS ACTION** (10:04:11) - Mayor Teixeira continued this item.

#### **ACTION TO ADJOURN AS THE REDEVELOPMENT AUTHORITY**

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**8(B) DISCUSSION AND POSSIBLE ACTION TO REQUIRE THE REPAYMENT TO THE GENERAL FUND FOR THE \$2,000,000 PROVIDED TO THE REDEVELOPMENT AUTHORITY; THE REPAYMENT WOULD BE COMPLETED WITHIN EIGHT YEARS OR SOONER OF THE DATE OF THE APPROVAL OF THIS ACTION**

##### **9. BOARD OF SUPERVISORS NON-ACTION ITEMS:**

**INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS** (10:06:41) - Mayor Teixeira advised that the Board would recess into a closed session.

#### **CORRESPONDENCE TO THE BOARD OF SUPERVISORS**

##### **STATUS REPORTS AND COMMENTS FROM THE BOARD MEMBERS** (10:04:32) -

Supervisor Williamson announced the Fridays@Third Street event scheduled for Friday, August 8<sup>th</sup>, and the Farmers Market scheduled for Saturday, August 9<sup>th</sup>. She advised of "tremendous response" to these events. Supervisor Staub reported that the FAA granted additional funds in the amount of \$332,500 for implementation of the Airport Master Plan. Mayor Teixeira advised of a \$300,000 to \$400,000 earmark

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to be allocated to Partnership Carson City. In addition, \$280,000 was earmarked for Waterfall Fire Rehabilitation, \$500,000 was earmarked for the V&T Railway project, and approximately \$1 million was earmarked for the freeway bypass.

**STAFF COMMENTS AND STATUS REPORTS**

**10. ACTION TO ADJOURN** (10:06:55) - Supervisor Staub moved to adjourn the meeting at 10:06 a.m. Supervisor Aldean seconded the motion. Motion carried 4-0.

The Minutes of the August 7, 2008 Carson City Board of Supervisors meeting are so approved this 4<sup>th</sup> day of September, 2008.

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MARV TEIXEIRA, Mayor

ATTEST:

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ALAN GLOVER, Clerk - Recorder