

## **CARSON CITY BOARD OF SUPERVISORS**

### **Minutes of the October 16, 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, October 16, 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

Sue Johnson, City 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. These materials are on file in the Clerk-Recorder's Office and available for review during regular business hours.

**CALL TO ORDER, DETERMINATION OF QUORUM, PLEDGE OF ALLEGIANCE, AND INVOCATION** (8:30:00) - Mayor Teixeira called the meeting to order at 8:30 a.m. Roll was called; a quorum was present. Sheriff Ken Furlong led the pledge of allegiance. First Christian Church Pastor Ken Haskins gave the invocation.

**PUBLIC COMMENTS AND DISCUSSION** (8:31:17) - Robin Hodgkin, of the Nevada Arts Council, invited the Board members to attend the Carson City Community Conversations event scheduled for Monday, October 27<sup>th</sup> at 6:00 p.m. She distributed advertising materials to the Board members and staff and provided an overview of the purpose of the event. "As a citizen," she thanked everyone who had participated in the Carson City Arts and Culture Coalition's Candidate Forum. "I thought it was a fabulous opportunity to hear from you all what you think you will do for the City."

(8:33:35) Karl Neathammer advised he would be speaking on the V&T Railway and public safety ballot questions. He expressed concern that voters objectively consider the ballot questions. He expressed resentment that the V&T question "got off-message and started to make Marv Teixeira the issue ..." He provided background information on his past dealings with Mayor Teixeira, advising that he had always been honest, always had the City's best interests at heart, and has supported the V&T Railway project for its potential benefit to the City and the entire State. He urged undecided voters to support the V&T ballot question. Mr. Neathammer referred to his previously expressed concerns over the years regarding the community's gang problem. He expressed support for the public safety ballot question "so we can get a good, solid gang unit," and urged voters to support the question.

(8:36:05) Phil Sherwood expressed concern over "saving the bears." He discussed a California law which prohibits feeding bears, and volunteer measures used in California to keep bears from wandering onto highways.

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

**1. ACTION ON APPROVAL OF MINUTES - February 7, 2008, September 18, 2008, and September 25, 2008** (8:37:50) - Supervisor Aldean moved to approve the minutes of February 7, 2008, September 18, 2008, and September 25, 2008, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0; Supervisor Aldean abstaining on the September 25<sup>th</sup> minutes.

**2. CHANGES TO THE AGENDA** (8:38:40; 9:55:30) - Mayor Teixeira modified the agenda to address item 9 prior to item 8.

**3. SPECIAL PRESENTATION - PRESENTATION OF A PROCLAMATION FOR "NATIONAL PLANNING MONTH," OCTOBER 16 THROUGH NOVEMBER 15, 2008** (8:38:48) - Planning Division Director Lee Plemel provided background information on this item and reviewed the proclamation included in the agenda materials. At Mayor Teixeira's request, he read a portion of the proclamation into the record.

Mayor Teixeira recessed the Board of Supervisors at 8:41 a.m.

### **LIQUOR AND ENTERTAINMENT BOARD**

**CALL TO ORDER AND ROLL CALL** (8:41:15) - Chairperson Teixeira called the meeting to order at 8:41 a.m. A quorum was present, including Member Furlong.

**ACTION ON APPROVAL OF MINUTES - February 21, 2008** (8:41:21) - Member Aldean moved to approve the minutes, as presented. Member Williamson seconded the motion. Motion carried 6-0.

**4. DEVELOPMENT SERVICES - BUSINESS LICENSE - ACTION TO APPROVE A FULL BAR LIQUOR LICENSE FOR RICHARD CRAIG ESTEY DBA DOTTY'S #45, LOCATED AT 3305 MARKET STREET, SUITE 100, CARSON CITY** (8:41:47) - Development Services Director Walter Sullivan reviewed the agenda report. Sheriff Furlong acknowledged the background investigation was complete with no objections.

(8:42:20) Craig Estey introduced himself for the record, and acknowledged he is the owner of the subject establishment. In response to a question, he advised that the subject location will be number 45 "throughout the State of Nevada." There are two existing locations in Carson City. In response to a further question, Mr. Estey advised that the subject location will have 15 slot machines. In response to a question, Sheriff Furlong had no knowledge of any of the Carson City Dotty's locations having been previously cited.

Chairperson Teixeira called for public comment and, when none was forthcoming, entertained a motion. **Member Staub moved to approve a full bar liquor license for Richard Craig Estey dba Dotty's #45, located at 3305 Market Street, Suite 100, Carson City, including a non-refundable investigation fee of \$500; additionally, all sellers and servers of liquor must attend the Sheriff's Office servers education class within 120 days of the business opening or this approval. Member Livermore seconded the motion. Motion carried 5-0.**

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**ACTION TO ADJOURN AS THE LIQUOR AND ENTERTAINMENT BOARD (8:44:38) -**  
Chairperson Teixeira adjourned the Liquor and Entertainment Board at 8:44 a.m. and reconvened the Board of Supervisors.

**5. BOARD OF SUPERVISORS CONSENT AGENDA (8:44:45) -** Mayor Teixeira entertained requests to hear items separate from the consent agenda. When none were forthcoming, he entertained a motion. **Supervisor Livermore moved for approval of the consent agenda, consisting of three items, 5-1, Justice Court; 5-2, Purchasing, (A) and (B), as presented. Supervisor Aldean seconded the motion. Motion carried 5-0.**

**5-1. JUSTICE COURT - ACTION TO APPROVE THE APPOINTMENT OF BROOKE NIELSEN TO THE PANEL OF SUBSTITUTE JUSTICES OF THE PEACE**

**5-2. PURCHASING AND CONTRACTS**

**5-2(A) ACTION TO DETERMINE THAT CONTRACT NO 0809-121 IS A CONTRACT FOR THE PURCHASE OF PERSONAL SAFETY EQUIPMENT FOR USE BY A RESPONSE AGENCY AND ANY OTHER LOCAL GOVERNMENT AGENCY; THEREFORE, IT IS NOT SUITABLE FOR PUBLIC BIDDING PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 0809-121, A REQUEST FOR THE PURCHASE OF SHORING EQUIPMENT FROM L.N. CURTIS & SONS FOR A NOT-TO-EXCEED COST OF \$102,000.00 TO BE FUNDED FROM VARIOUS ACCOUNTS, AS PROVIDED IN FY 2008 / 2009**

**5-2(B) ACTION TO DETERMINE THAT CONTRACT NO. 0809-122 IS A CONTRACT FOR ADDITIONS TO AND REPAIR AND MAINTENANCE OF EQUIPMENT WHICH MAY BE MORE EFFICIENTLY ADDED TO AND REPAIRED AND MAINTAINED BY A CERTAIN PERSON AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 0809-122, A REQUEST FOR EQUIPMENT SERVICE AGREEMENT TO BE PROVIDED BY AT&T FOR THE PERIOD OF APRIL 1, 2009 THROUGH MARCH 31, 2012, FOR A NOT-TO-EXCEED COST OF \$76,839.60 TO BE PREPAID FY 2009 FROM THE SHERIFF'S OFFICE COMMUNICATIONS DIVISION FUND, AND FUNDED AS FOLLOWS: FY 09 - \$6,403.29; FY 10 - \$25,613.16; FY 11 - \$25,613.16; FY 12 - \$19,209.99; TOTAL \$76,839.60**

**ORDINANCES, RESOLUTIONS AND OTHER ITEMS**

**6. PUBLIC WORKS - ACTION TO APPROVE A RESOLUTION TO AUTHORIZE ENTERING INTO AN INTERLOCAL AGREEMENT BETWEEN CARSON CITY AND DOUGLAS COUNTY TO PROVIDE FOR CARSON CITY TO ACCEPT AND TREAT SEWER FLOWS FOR AN INTERIM PERIOD OF TIME, NOT TO EXCEED TEN YEARS, FOR THE EXISTING COMMERCIAL CENTER IN NORTHERN DOUGLAS COUNTY JUST SOUTH OF FUJI PARK (8:45:25) -** Public Works Department Director Andrew Burnham introduced this item, and reviewed the agenda report. Mayor Teixeira invited the Douglas County representatives to the podium.

(8:46:29) Douglas County Board of Commissioners Chairman Kelly Kite, Vice Chair Nancy McDermid, and Douglas County Manager Michael Brown introduced themselves for the record. Mayor Teixeira welcomed the Douglas County representatives, and thanked them for their attendance. He referred to the

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subject interlocal agreement as a “first step” in “getting on down the road.” He invited the Douglas County representatives’ comments. In response to a question, Mr. Kite acknowledged support for the interlocal agreement. He expressed the opinion that a lack of cooperation between the two counties “on matters like this” would be an injustice to both. He expressed the further opinion that the interlocal agreement represents “enormous savings for the citizens” of both counties; to cooperate without duplicating services.

(8:49:12) Ms. McDermid advised that she represents Douglas County District 4, which includes Lake Tahoe with “quite a number of jurisdictional boundaries” as well as two states. She serves with Supervisor Aldean as a member of the Tahoe Regional Planning Agency Governing Board, and advised that the TRPA “blurs the lines among the jurisdictions out of necessity.” She noted the importance of Nevada representatives standing together on issues pertinent to Nevada citizens and property owners. Identifying common interests and methods by which to forge partnerships “bodes well as we go forward. Many of the forces are out of our control ... but this is something that we can control. ... [O]ne of the most important things that we can do is foster the relationship and make it work for the good of everyone.” Ms. McDermid thanked Carson City for partnering with Douglas County, and expressed the hope that the interlocal agreement represents the first of many partnerships.

(8:50:51) Mr. Brown commended City staff, particularly Mr. Werner, Mr. Burnham, and Business Development Manager Joe McCarthy, for their “openness and willingness” to consider the interlocal agreement and to work collaboratively as regional representatives. He predicted major challenges in the years ahead, and expressed the hope that everyone will be very open-minded in exploring cooperative opportunities. He expressed appreciation for the open door demonstrated by Carson City staff. Mr. Brown acknowledged having previously served as Assistant Douglas County Manager.

Mr. Werner thanked Mr. Brown and the Douglas County Commissioners, and advised that the interlocal agreement represents “a whole new arena” of communication between the two counties. He looks forward to positive changes, and thanked Mr. Brown. Mayor Teixeira expressed appreciation for the cooperation between the two counties, and reiterated his thanks to the Douglas County representatives for their attendance and participation.

Supervisor Aldean complimented the Douglas County Commissioners and County Manager Brown, and expressed appreciation for the “new era of cooperation.” She expressed further appreciation for the opportunity to work together with Commissioner McDermid on the TRPA Governing Board. She commended Commissioner McDermid as a “woman of great principle,” who is outspoken in a very positive way, making it known that the members of the Nevada delegation need to forge a close alliance in order to counter some of the influence from the California delegation. **Supervisor Aldean moved to approve Resolution No. 2008-R-46 to authorize entering into an Interlocal Agreement, as recently amended by the material provided to the Board members, between Carson City and Douglas County to provide for Carson City to accept and treat sewer flows for an interim period of time not to exceed ten years for the existing commercial center in northern Douglas County, just south of Fuji Park.** Supervisor Livermore seconded the motion. Motion carried 5-0. The Board members thanked the Douglas County representatives for their attendance and participation. Commissioner McDermid advised that the interlocal agreement was agendized for the Douglas County Board of Commissioners meeting to be held later in the day.

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#### **7. SUPERVISOR LIVERMORE - PRESENTATION BY CHARTER COMMUNICATIONS REGARDING THEIR NEW PROGRAMMING AND CHANNEL LINE UP, AND POSSIBLE ACTION REGARDING THE AVAILABILITY OF THE PUBLIC ACCESS AND GOVERNMENT ACCESS CHANNELS (8:55:26)** - Supervisor Livermore provided background information on this item, and reviewed the agenda report.

(9:00:51) Charter Communications Government Affairs and Public Relations Sierra Nevada Key Market Area Director George Jostlin introduced himself for the record, and reviewed the cities comprising the key market area (“KMA”). He advised of having explained “some of the issues that Charter is facing right now in a very competitive environment.” “Moves ... are made with input from our communities” and with input from the corporate office with programming contracts and partners in mind. Mr. Jostlin further advised that Charter customers were informed, in July, that some channels would be moved to the digital spectrum and some would be dropped. Channels 10 and 26 were included in those which will be moved to the digital environment. Mr. Jostlin advised of a meeting with Mayor Teixeira and Finance Department Director Nick Providenti during which a plan was presented to launch additional high definition and digital channels. He referred to the February 2009 date on which over-the-air television stations will be converted to digital broadcast. “These are different situations; they’re not necessarily linked.” Mr. Jostlin advised that Charter Communications is taking steps to ensure continuation of a viable system which customers continue to “want to join.” He discussed the competition between cable and satellite companies.

Mr. Jostlin advised of having worked with Supervisor Livermore and Brewery Arts Center representatives to develop a solution for continuing to broadcast Board of Supervisors meetings live. “These meetings will continue live ... on their ... digital channel. ... [W]e will move these and show them simultaneously on channel 18,” an analog channel which will not require any additional equipment on the part of the consumer. In response to a question, Mr. Jostlin clarified that channels 10 and 26 will convert to digital broadcast, available 24 hours a day. The Board of Supervisors meetings will be simultaneously aired live on the analog channel 18. The School Board and Planning Commission meetings will air live on their digital environments with tape delay versions aired on analog channel 18. Mr. Jostlin advised of having been informed that the majority of the community watches “replays” of the meetings more than the live broadcasts.

Discussion followed, and Mr. Jostlin advised that programming will continue “as our contracts continue to evolve with our programmers. Other programs will move to the digital spectrum as well. We’re in the process of totally revamping our technology so that we become a digital provider.” Mr. Jostlin acknowledged channel 26 will become 226; that channel 18 will air the live Board of Supervisors meetings and the taped replays of the School Board and Planning Commission meetings. He further acknowledged that channel 18 is a leased access channel.

In response to a question, Mr. Jostlin advised he hadn’t yet had an opportunity to speak with Douglas or Lyon County Commissioners. He explained that the Charter Communications Operations Manager has been in contact with Douglas County representatives “and that they saw this as a benefit.” “... part of what we’re doing in realigning our system is ... bringing our channels from the Gardnerville / Minden area up to the South Lake Tahoe portion of Douglas County ...”

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Supervisor Aldean advised of having spoken with Mr. Jostlin in August with regard to extending discounts to customers with economic hardships. She reviewed the provisions of the City's senior rebate program, and suggested "it might be a nice public relations gesture ... to extend some sort of discount." Mr. Jostlin explained that Charter Communications considers the economic hardship of a household as a determining factor for discount. "Our conversations with all our communities have been, 'if you have an established program in place in which you provide discounted services to a household because they meet your criteria as an economic hardship, we are more than happy to participate in that program.'" Mr. Jostlin advised that Charter Communications "has gone one step further," in making the discount forty percent. In response to a question, he explained that the City would advise Charter Communications of the residents enrolled in the economic hardship program. Those residents would automatically be accepted into the Charter Communications discount program. Mr. Werner acknowledged the necessary information could be provided to Charter Communications. In response to a question, Mr. Jostlin discussed the need to "recapture analog space to digitize it and add more product." In response to a question of clarification, he explained that one analog channel translates to 8 to 10 digital channels in a standard definition base. He acknowledged "it's all capacity related." Supervisor Aldean expressed a preference that taped programs would be aired at reasonable times, not the early morning hours. Mr. Jostlin assured the Board "we will all work together. Charter will manage the leased access channel. We will work together with the local leased access providers as well as the BAC to make sure that doesn't happen."

Supervisor Staub inquired as to the reason that Charter Communications' basic service is made up of a majority of channels that sell commodities and not programming. Mr. Jostlin advised that programming has been one reason for dropping channels.

Mayor Teixeira offered the opportunity to comment to the Douglas County Commissioners. (9:21:25) Douglas County Commission Chairman Kelly Kite advised that the same invitation would be extended to provide live programming. Mayor Teixeira referred the Douglas County representatives to the Brewery Arts Center representatives, as a resource.

Mayor Teixeira opened this item to public comment. (9:22:50) Access Carson City General Manager Mike Furlong introduced Brewery Arts Center Executive Director John Procaccini. Mr. Procaccini commended Mr. Furlong and his staff on an excellent job. Mr. Furlong expressed the opinion that the issue is more complicated. "This is not just about channel 18 and broadcasting the Board of Supervisors meetings. We have neighbors in public television." He introduced Les Smith of Sierra Nevada Community Access Television ("SNCAT"), and advised that each of the counties will be affected differently by Charter Communications moving channels 10 and 26 "to the upper tiers." He further advised that SNCAT representatives had approached him to discuss "some sort of an alliance, ... to work together ... on a solution that's universal across the board." Mr. Furlong expressed the opinion that a positive solution can be reached, but cautioned the Board that "whatever decisions are made will affect" neighboring counties.

(9:25:45) Sierra Nevada Community Access Television Executive Director Les Smith conveyed best wishes to the Board from Sam Dehne. He expressed concern over three issues; first, that "we didn't want anybody left behind;" second, the discovery that a great number of government / public access channel viewers "were incidental;" and third, financial hardship. He advised that Charter Communications developed "a fairly comprehensive offer to provide coupons for every subscriber without a digital box." For those not already on a hardship program, "that was basically a 20 percent discount on either their basic tier or \$5 off on extended basic which would cover the cost of the box. The box would be installed for

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free.” Those customers on an economic assistance program would receive a forty percent discount with free installation of a digital box. In response to a question, Mr. Smith advised that the agreement is between the City of Reno and Charter Communications. Mayor Teixeira suggested an economy of scale; that Carson City should not “re-create the wheel” if the City of Reno is developing an agreement. He further suggested there should be room for negotiation. Mr. Smith discussed an alternative proposal to designate one analog channel. He noted two separate issues; the agreement between the City of Reno and Charter Communications is “a bargaining issue.” Retaining analog channels is a legal issue, and Mr. Smith suggested “it’s not a good idea to mix those two up.”

At Supervisor Staub’s request, Mr. Furlong advised that the reason for switching from analog to digital is a business decision. Charter Communications “is in competition ... where they’re going to have to make changes ... The way they do that is open up band width on the analog channels to be able to do so.” Mr. Furlong advised that Carson City will now have the Nevada channel. Mayor Teixeira provided historic information on cable access television in Carson City.

Mayor Teixeira called for additional public comment. (9:36:47) Andrew Barbano, of Reno, Nevada, advised that he broadcasts “ten hours of live TV a week on public access in Reno and ... Sparks;” that he serves as a columnist for the *Daily Sparks Tribune*, and that “once every ten years, the *Nevada Appeal* uses” one of his pieces. He further advised that he serves as the Political Action Chair and the incoming second Vice President of the local NAACP. He has “a lot of interest in cable television. The NAACP produces a weekly show.” He advised of having served on the founding board of Sierra Nevada Community Access Television. With regard to Supervisor Staub’s earlier question, he stated, “The broadcast industry got greedy and wanted band width just like Charter, and they went to Congress to try and convince Congress to make this digital conversion. And they got smoked at their own game by the telcomm companies and, as a result, everybody has to convert to digital TV. The TV industry is having to pay a lot of money for it along with the taxpayers and the telephone companies are the guys that are going to get the band width and make out like bandits.” Mr. Barbano advised of having formed a consumer organization called “research.tv” and “it looks like I’m going to have to take Charter to court to stop this foolishness.” He requested the Board to consider “who you’re disenfranchising here. Charter has admitted in meetings with us they have 150,000 rate payers in the region. About half of those are in Reno and Sparks and Washoe County, 75,000. That means the other 75,000 are outside Reno / Sparks ... most of them here in Carson City. Twenty percent ... of those rate payers had no digital capability. That’s 30 to 35,000 households that are either going to have to get a digital box which they’ll eventually have to pay for from Charter or buy a quanchip TV set.” Mr. Barbano expressed concern over “cutting off 30 to 35,000 rate payers from the TV stations like public access that they’ve been paying for for twenty years.” He advised that Charter Communications has a monopoly in Carson City “under Nevada court precedent.” He further advised that Charter Communications had made two offers to the City of Reno: “Put ten pounds in a five-pound bag by moving everything onto one channel that’s now on four because legally they have to provide one analog channel under a federal law passed in 1984.” Charter Communications offered the City of Reno customers free digital boxes for a year and move everything up to the digital tier which is “low surfing, higher cost, and lower audience so it will destroy public access.” Mr. Barbano advised “that proposal is illegal.” He referred to Michigan court cases involving Comcast “because Comcast tried to do the same thing Charter is trying to do here.” “The judge in Michigan held that state law is trumped by federal law and federal law says you’ve got to have public access channels on the most available tier.” Mr. Barbano reiterated that Charter Communications’ proposal to move channels 10 and 26 to the digital tier is illegal, and that he plans to sue the company. He advised that the “coupon program guarantees that 97

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percent of the rate payers offered the coupon in a mailer won't respond." Mayor Teixeira thanked Mr. Barbano and noted the importance of hearing from customers in adjacent communities. Mr. Barbano advised that the "reality of the deal is Charter is trying to do something illegal to your citizens and asking you to pay for it."

(9:43:35) Ron Egts advised of having lived in Carson City since 1980, and that he has never been employed by DirectTV or Dish Network. He discussed his electronics background and experience, and advised that he had served as the programming / facilities manager for Carson Access Television from 1997 through 1999. He further advised that Charter Communications "doesn't need to pull 10 and 26." "They've got at least two more years." He referred to a quote from former Supervisor Kay Bennett made "at the time Spice Channel had a problem." Mr. Egts stated, "If 60 percent of Carson City is on cable, what would happen if all senior citizens ... on fixed incomes ... dialed Charter right now ..." and threatened to disconnect the cable if either of channels 10 or 26 is moved.

(9:49:20) Danny Coyle, a Carson City resident, commended Andrew Barbano's comments and supported him in any litigation "as a rate payer who has suffered adversely from Charter's proposed change." He complimented Mayor Teixeira for holding Charter Communications predecessor's feet to the fire to get public access television stations. He thanked Supervisor Livermore for agendizing this item.

(9:50:22) Gil Yanuck advised of having lived in Carson City for over ten years, and inquired as to the reason Charter Communications has refused to service all of Carson City. Mayor Teixeira acknowledged that the residents of Lakeview and Timberline have been requesting cable service for years and years.

Mayor Teixeira called for additional public comment; however, none was forthcoming. He suggested that Supervisor Livermore continue working with the interested parties. Supervisor Livermore agreed, and thanked everyone for their attendance and participation. He commended Mr. Jostlin on his gracious efforts to develop a resolution to the issues presented.

(9:52:07) Dan Knox, a Carson City resident, referred to the franchise agreement and read portions of the same into the record. Mayor Teixeira advised that the State of Nevada now holds all cable operations franchises. Supervisor Livermore expressed an interest in reviewing Mr. Knox's information.

In reference to Supervisor Staub's earlier question, Mr. Jostlin expressed the understanding that the federal government "pushed this issue" following the 9/11 terrorist attacks. He looked forward to continuing to work with Supervisor Livermore "to make this a palatable solution for all entities." He acknowledged a willingness to prepare a draft proposal which Supervisor Livermore would circulate through the City's organization. Mayor Teixeira thanked Mr. Jostlin for his presentation, and the citizens for their attendance and participation.

**8. TREASURER - PRESENTATION AND OVERVIEW OF CURRENT AND FUTURE ACTIVITIES OF THE TREASURER'S OFFICE** (10:05:26) - Treasurer Al Kramer introduced this item, and narrated a PowerPoint presentation, a copy of which was provided for the record. He commended his "great staff" and reviewed the responsibilities of the Treasurer's Office. In response to a question, Mr. Kramer advised of the potential to have lost approximately \$3 million in securities lending if he hadn't made a decision to get out of the previous program in January 2008. Mayor Teixeira complimented Mr. Kramer and the Board members, City staff, and citizens present applauded him. Mr. Kramer clarified that

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securities lending represents “a little bit of extra that you try and gain ...” He anticipates that with the conservative manner in which securities lending is being approached, “in a normal year, we should enhance our total earnings for the City by about \$100,000.”

Supervisor Aldean commended Mr. Kramer, and expressed support for the conservative approach. She noted the value of “every dollar” in light of the City’s economic situation, and that there is approximately \$375,000 in uncollected parking tickets. She inquired as to the possibility of a more aggressive approach to ensure outstanding parking tickets are paid, thereby generating more revenue for the City. She advised that the City of Reno has become very aggressive in order to collect unpaid parking tickets. Mr. Kramer acknowledged the potential revenue, but noted the “costs to doing these extra things.” He discussed the procedure for addressing unpaid parking tickets, and suggested considering the possibility of amending the ordinance to provide more authority to the code enforcement officers. He further suggested that the maximum revenue generated still wouldn’t be more than \$10,000 to \$15,000 per year. Supervisor Aldean acknowledged the importance of a cost / benefit analysis, but reiterated that \$375,000 “is a lot of money in outstanding parking tickets.” Even collecting a portion would be helpful. Mr. Kramer clarified that the \$375,000 figure represents many years’ worth of unpaid parking ticket revenue. He discussed difficulties associated with pursuing payment. He acknowledged the importance of considering an amendment to the ordinance, and Supervisor Aldean’s point. Mayor Teixeira thanked Mr. Kramer, and commended him on a “superb job on behalf of the City.”

**9. DEVELOPMENT SERVICES - PLANNING AND ZONING - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE TO CHANGE THE ZONING OF A PORTION OF TWO PARCELS FROM RETAIL COMMERCIAL (RC) AND MOBILE HOME 12,000 (MH12) TO GENERAL COMMERCIAL (GC), ON PROPERTY LOCATED AT 2670 HIGHWAY 50 EAST AND 1710 NORTH LOMPA LANE, APNs 008-161-60 AND -69 (ZMA-08-075) (9:55:30)** - Planning Division Director Lee Plemel introduced and provided background information on this item, and reviewed the agenda materials. Mayor Teixeira called for public comment; however, none was forthcoming. In response to a question, Mr. Plemel explained that, where two zoning districts are designated on a property, the Carson City Municipal Code provides that a use permitted by right within one of the zoning districts is allowed by special use permit on the other. He acknowledged that the special use permit approved by the Planning Commission has not been appealed. He advised that casino development is permitted by right in a general commercial zoning district, and by special use permit in a retail commercial zoning district.

Mayor Teixeira entertained a motion. **Supervisor Livermore moved to introduce, on first reading, Bill No. 134, an ordinance to change the zoning of a portion of two parcels from retail commercial and mobile home 12000 to general commercial, on property located at 2670 Highway 50 East and 1710 North Lompa Lane, APNs 008-161-60 and -69, based on the findings contained in the staff report. Supervisor Staub seconded the motion. Motion carried 5-0.** Mayor Teixeira recessed the meeting at 9:59 a.m. and reconvened at 10:05 a.m.

**10. PURCHASING AND CONTRACTS - 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 \$315,893.92 FOR CONTRACT NO. 2005-176, TITLED CARSON CITY SHERIFF’S DEPARTMENT ADMINISTRATION BUILDING PROJECT, FOR THE REMAINING 11 OF THE 31 TRADE CONTRACTORS, AS LISTED IN THE STAFF SUMMARY** (10:25:38) - Public Works Department

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Director Andrew Burnham introduced this item and reviewed the agenda materials. He advised that the project is presently coming in under budget. There are contracts remaining to close out, which he listed, and he advised of anticipating additional savings. In response to a question, Mr. Burnham advised that for as large as it was, "it was a fairly clean project." There were very few construction problems. There were a number of change orders which were accommodated within the budget. In response to a question, Mr. Burnham advised that all the trade contracts are closed out. In response to a further question, he advised that the ending fund balance will be reallocated to the general fund. Mr. Burnham noted the additional component to the project of purchasing the Carson-Tahoe Hospital property on Long Street and converting it to the Community Counseling Center. "The community invested about \$18 million ... in these two projects and we have two very, very nice facilities for the community for the long term."

Mayor Teixeira called for public and Board member comments. When none were forthcoming, he entertained a motion. **Supervisor Williamson moved to accept the work, as completed, and to accept the contract summary, as presented, and to approve the release of final payment in the amount of \$315,893.92 for Contract No. 2005-176, titled Carson City Sheriff's Department Administration Building Project, for the remaining 11 of the 31 trade contractors, as listed in the staff summary.** Supervisor Livermore seconded the motion. Motion carried 5-0.

### **11. CITY MANAGER**

#### **11(A) STATUS REPORT ON VACANT GENERAL FUND POSITIONS** (10:28:59) - Mr.

Werner introduced this item, and reviewed the agenda report and attachments. He acknowledged approximately 32 suspended positions, and estimated a dozen vacant positions presently. In response to a comment, he advised that vacant positions are considered in light of suspended positions which have been assigned a priority ranking. Mr. Werner acknowledged having done "some trade offs," and referred to the reorganization done in the Finance Department. He advised "we're still below the number of positions" suspended. Mayor Teixeira advised of having recently met with Consultant Mary Walker, Finance Department Director Nick Providenti, and Mr. Werner. Mr. Werner advised that the utility company franchise fee payments will be in by the end of October. He acknowledged that the status of the general fund can be assessed shortly thereafter.

**11(B) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 8, PUBLIC PEACE, SAFETY, AND MORALS, CHAPTER 8, NUISANCES, SECTION 8.08.030, DEFINITIONS, TO INCLUDE IN THE DEFINITION OF NUISANCE THE FAILURE TO PREVENT BEARS FROM ACCESSING GARBAGE AND THE FAILURE TO MAINTAIN BEAR-PROOF CONTAINERS, AND OTHER MATTERS PROPERLY RELATED THERETO** (10:30:56) - Mr. Werner introduced this item, provided background information, and reviewed the agenda report and the proposed ordinance included in the agenda materials. He responded to questions of clarification regarding the provisions of the proposed ordinance, and Supervisor Staub expressed concern over residents being required to purchase a bear-proof container. Mr. Werner provided additional clarification with regard to the provisions of the proposed ordinance. In response to a question, Supervisor Aldean related details of an incident when a bear broke into her family's home outside of Tahoe City. She described the bear-proof container purchased and installed subsequent to the incident. She advised that bear-proof containers are beginning to become mandatory throughout the Tahoe basin because "it's the only way to discourage bears from coming into the basin to feed." Supervisor Staub reiterated his concern over associated costs to the citizens. Mr. Werner reiterated the provisions of the ordinance that a bear-proof container would only be required if a

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resident has attracted a bear on more than one occasion. He clarified “not everybody in the City has to go out and get bear-proof containers. If you have a tendency to leave your garbage out and it attracts bears, then we have the ability to say, after one or two instances, ‘You need to go get a bear-proof container.’” Mr. Werner emphasized the proposed ordinance does not mandate bear-proof containers for every citizen. “It’s one mechanism, if somebody is ... attracting bears into the neighborhood, of solving that problem.”

Supervisor Livermore expressed concern that the proposed ordinance doesn’t distinguish between residential and commercial properties. In response to a question, Mr. Werner advised that the proposed ordinance had not been reviewed by Waste Management, Inc. representatives. In response to a further question, he advised that the main area of concern is the wildland urban interface. Supervisor Livermore advised of having received citizen comments with regard to this item, both in support and in opposition. Mr. Werner assured the Board members that the provisions of the proposed ordinance do not require every citizen to purchase a bear-proof container.

Supervisor Aldean suggested a revision to paragraph 29, as follows: “... failure to store garbage in a secured area or trash receptacle that would prevent access to bears.” “That way, clearly, you have the right to keep it in a container in your garage ... as opposed to taking it to the outside of your home and leaving it where it could attract bears.” Ms. Bruketta suggested that Nevada Department of Wildlife officials could address the question, but advised that even storing garbage in the garage could be an attractant especially in the wildland urban interface areas. She explained that the existing language provided for the requirement to keep the bear-proof container clean. Supervisor Aldean clarified the intent of her proposed revision was to provide the alternative for storing garbage inside the garage or the home until collection day.

Supervisor Staub suggested considering language which would accommodate several warnings prior to requiring a bear-proof container. Ms. Bruketta explained that the proposed amendment will be added to the existing nuisance ordinance. City enforcement officials have the authority, with regard to any nuisance, to first issue a warning. Ms. Bruketta expressed confidence that code enforcement officials are providing more than one warning prior to issuing administrative citations. In response to a question, she advised that chronic nuisance is defined by three or more incidents. She clarified that code enforcement officials have the authority to cite for a first-time offense, but expressed the belief this is not the typical practice.

(10:42:53) Nevada Department of Wildlife Biologist Carl Lackey expressed appreciation for the Board hearing the subject item. He provided background information on the ordinance adopted by the Douglas County Board of Commissioners. He reviewed price ranges for bear-proof containers, from \$75 to well over \$1,000. He advised that, from the NDOW point of view, once bears become a chronic nuisance “it’s way, way too late. That’s when you have bears start breaking into homes.” He agreed with Supervisor Staub that the ordinance should address all wildlife “or any animal.” A bear-proof trash container will keep any animal out. Mr. Lackey discussed the damage potential posed by a 300 to 400 pound bear, and the tendency of these bears to frequent neighborhoods on “garbage night.” “The only permanent, long-term solution in keeping bears out of the wildland urban interface, and keeping human / bear conflicts at a very tolerable level, is removing the food source, the attractant ...” Mr. Lackey advised that the Timberline / Lakeview / Ash Canyon residential areas are within a five-minute walk to prime bear habitat.

Supervisor Williamson thanked Mr. Lackey for his attendance and participation. In response to a question, Mr. Lackey provided additional detail on the various bear-proof trash containers available, and their corresponding costs. Supervisor Williamson noted that most Lakeview residents “have a long trek” to take

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out the garbage. In response to a further question, Mr. Lackey reiterated that Douglas County and Incline Village General Improvement District representatives would be good resources for answers to many of the questions posed at this meeting. Mr. Lackey advised that Waste Management, Inc. "is already on board in a lot of these areas ..." He discussed the various methods by which Waste Management, Inc. collects trash from bear-proof containers.

In reference to Mr. Lackey's comments regarding the other jurisdictions which have enacted a nuisance wildlife ordinance, Supervisor Staub expressed reluctance to "piece-meal it together ... if these other jurisdictions have looked at this very thoroughly and received substantial public input." He suggested reviewing the ordinances and scheduling a community workshop to provide for public input. Mr. Werner advised of having reviewed the Douglas County and IVGID ordinances which were very specifically drafted "for the bear issues" with a very specific progression of warnings and citations. Amending the City's general nuisance ordinance will provide a lot more flexibility, thereby providing City enforcement officials the opportunity to work with homeowners more effectively. Mr. Werner referred to Carson City Municipal Code Section 8.09.200, which provides for designating corrective action, time frames, etc. when issuing an administrative citation prior to imposing fines or other penalties.

Mayor Teixeira suggested the primary issue was to heighten awareness in the areas where residents would have an obligation to prevent the nuisance. He didn't perceive the proposed amendment as onerous, and noted it could be further amended or even eliminated, if necessary. Mr. Werner offered to delay action on the proposed amendment in order to accommodate a public meeting. Supervisor Staub reiterated a preference to allow for more public input. He expressed appreciation for the concerns, but suggested "it's a community-wide issue." In response to a comment, Mr. Werner provided additional clarification of the proposed provisions.

Mayor Teixeira entertained public comment. (10:53:22) Nevada Department of Wildlife Management Analyst Kim Jolly advised of having served on the multi-jurisdictional Sierra Front Working Group for over a year. She reviewed the similar ordinance provisions of the various counties represented as members of the Sierra Front Working Group. She discussed NDOW's focus on nuisance bear education, and requested the Board to avoid delaying passage of the amendment. She expressed concern that the issue may not be urgent at the present time, but will be again during the coming summer months. She advised that the proposed amendment would also provide for Sheriff's Office and code enforcement personnel to issue citations to anyone actively feeding wildlife.

(10:55:51) Dave Morgan discussed safety concerns associated with nuisance bears.

(10:57:15) Carson City Advisory Board to Manage Wildlife Chairman Gil Yanuck provided background information on the nuisance bear issue. He expressed appreciation for Mr. Werner's involvement which culminated in the subject agenda item. He discussed a recent nuisance bear problem in Fuji Park which was solved, at the recommendation of Nevada Department of Wildlife officials, by the installation of bear-proof trash containers. He discussed similar problems in the Lakeview subdivision. In consideration of Supervisor Staub's comments, he requested the Board members to keep in mind that there are certain areas of the community "where the impact is major" and others "where it's completely absurd to even think about." Bears on the capitol steps and in the downtown area are "the anomalies." The concern is the wildland urban interface area where human / bear conflicts are more likely. Mr. Yanuck agreed with Ms. Jolly's comments; "the sooner we do this the better." He discussed educational efforts sponsored by the

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Nevada Department of Wildlife, and advised that the ordinance “would give us some teeth.” He emphasized the importance of education in that “a lot of people just don’t know” about the potential problems created not only for themselves but for their neighbors.

In response to a question, Mr. Yanuck advised that many bears no longer hibernate because of the plentiful, year-round food supply represented by residential garbage. Supervisor Aldean suggested introducing the amendment on first reading and delaying implementation. “At least it puts the public on notice that we’re thinking about this.” Public meetings could be held to solicit input, and a press release could be provided to the newspapers. Mr. Yanuck expressed the opinion that the City and the media have done a good job “making people aware.” Discussion took place with regard to providing educational / informational materials via direct mail or the City’s utility billings. Supervisor Staub clarified his support of the proposed amendment, and his intent to ensure a correct and comprehensive approach with appropriate public input. He reiterated the preference to delay first reading, provide public notice, and perhaps schedule a workshop to address the issue. Additional discussion followed.

In response to a question, Ms. Bruketta provided direction with regard to continuing the item. Mayor Teixeira entertained a motion. **Supervisor Staub moved to continue introduction for first reading of the ordinance amending the nuisance ordinance to include a bear-proof container provision, and request that staff provide appropriate notice to the public, potentially scheduling a workshop in order to finesse this ordinance and bring it back to the Board as soon as possible. Supervisor Livermore seconded the motion.** Supervisor Williamson committed to scheduling a workshop to “get this settled.” Mayor Teixeira called for a vote on the pending motion; **motion carried 5-0.**

**11(C) ACTION TO ADOPT THE AMENDMENT TO THE GROUND LEASE BY AND BETWEEN CARSON CITY AND THE SEASONS LIMITED PARTNERSHIP** (11:10:45) - Ms. Bruketta introduced this item, and noted that The Seasons Limited Partnership was represented by Holland and Hart Attorney Scott Scherer. Ms. Bruketta reviewed the provisions of the amendment to the ground lease, a revised copy of which was provided to the Clerk prior to the start of the meeting. In response to a question, Ms. Bruketta reiterated that The Seasons Limited Partnership will be required to provide the City their financial statements. In addition, the City has the right to hire an auditor to review those statements in the event of disagreement.

(11:12:19) Attorney Scott Scherer, representing Community Development, Inc. and The Seasons Limited Partnership, advised of having negotiated the proposed amendment with Senior Deputy District Attorney Joel Benton. Mr. Scherer expressed the belief that Mr. Benton had consulted with Supervisor Staub, and the opinion that Ms. Bruketta’s representation of the provisions of the proposed amendment was accurate. In response to a question, Mr. Scherer advised that the financial statements will be presented only for The Seasons Limited Partnership.

Mayor Teixeira provided background information on the original agreement between the City and The Seasons Limited Partnership. He expressed disappointment over the performance of The Seasons Limited Partnership. Supervisor Aldean read a portion of the amendment into the record, and noted the language was “symbolic of the sort of relationship we have with The Seasons. We feel like we’ve been betrayed.” Supervisor Aldean acknowledged the importance of moving forward, and noted a correction to paragraph 3 of the amendment. In response to a comment, Mr. Scherer noted the “good quality project” which is in demand and a tribute to the City.

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Mayor Teixeira entertained a motion. **Supervisor Staub moved to adopt the amendment to the ground lease by and between Carson City and The Seasons Limited Partnership, as presented and amended here today. Supervisor Williamson seconded the motion. Motion carried 5-0.** Mayor Teixeira thanked Mr. Scherer for his attendance and presentation.

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

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

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

**STATUS REPORTS AND COMMENTS FROM THE MEMBERS OF THE BOARD** (11:18:05) - Mayor Teixeira advised of having participated in a train ride, with 750 other participants, which went through tunnel #3 "which hadn't been gone through since 1938." Mr. Werner acknowledged also having participated, and advised of never having seen American Flat from the vantage point of the train. "It was truly impressive."

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

**RECESS BOARD OF SUPERVISORS** (11:20:45) - Mayor Teixeira recessed the meeting at 11:20 a.m.

### **REDEVELOPMENT AUTHORITY**

**CALL TO ORDER AND ROLL CALL** (6:00:25) - Chairperson Williamson called the meeting to order at 6:00 p.m. All members of the Redevelopment Authority were present, constituting a quorum. City staff included City Manager Larry Werner, Business Development Manager Joe McCarthy, Deputy Business Development Manager Tammy Westergard, Chief Deputy District Attorney Melanie Bruketta, and Recording Secretary Kathleen King.

**ACTION ON APPROVAL OF MINUTES - February 21, 2008** (6:00:38) - Member Aldean moved to approve the minutes, as presented. Member Livermore seconded the motion. Motion carried 5-0.

**CITIZENS COMMENTS ON NON-AGENDIZED ITEMS** (6:01:37) - None.

**MODIFICATION TO THE AGENDA** (6:01:32) - Chairperson Williamson modified the agenda to address item 13(C) prior to item 13(A).

### **13. OFFICE OF BUSINESS DEVELOPMENT**

**13(A) ACTION TO APPROVE REDEVELOPMENT PROGRAMS, PROCESSES, AND GUIDELINES AS RELATED TO REDEVELOPMENT PROJECT AREA NO. 1; and 13(B) ACTION TO APPROVE REDEVELOPMENT PROGRAMS, PROCESSES, AND GUIDELINES AS RELATED TO REDEVELOPMENT PROJECT AREA NO. 2** (6:08:05) - Chairperson Williamson introduced this item. Mr. McCarthy provided background information, and an overview of discussion which took place at the July 31, 2008 Redevelopment Authority workshop. He narrated a PowerPoint presentation of the programs, processes, and guidelines for redevelopment project area number 1, copies of which were included in the agenda materials. He advised that redevelopment project area 1 currently

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has exterior improvements programs, pre-development incentives, and the potential for exemplary future projects. He listed opportunities at the former Copeland Lumber location, the Carson Mall, and the Nugget properties in the downtown area. Civic investment opportunities are also a potential.

Mr. McCarthy narrated that portion of the PowerPoint presentation pertinent to redevelopment project area number 2, copies of which were included in the agenda materials. He requested direction regarding advisory committees for both project areas, the format for staff reports to the Redevelopment Authority, possible governance, and possible boundary amendments to address specific Redevelopment Authority objectives.

Member Aldean read a portion of the Redevelopment Cost Reimbursement Policy, Implementing Procedures, paragraph 2 into the record, and noted the importance of distinguishing between the Redevelopment Authority and the Board of Supervisors as separate, legal entities. She suggested there may be lending agreements between the two distinct legal entities, and reiterated the importance of preserving the autonomy of each. Ms. Bruketta agreed, and advised that this had been a concern of the District Attorney's office. Member Staub acknowledged the point in the event that the Redevelopment Authority may not always be comprised of the Board of Supervisors members.

Member Aldean suggested revising the incentive program application to require submission of a business plan. In addition, she discussed the importance of determining whether or not an applicant has adequate capital, and suggested requiring copies of financial statements and credit reports. Mr. McCarthy advised of a history of requiring such information for redevelopment project area 1. He will ensure that the same information is required for project area 2. He advised that redevelopment staff has always reviewed the financial information to maintain confidentiality and, in turn, conveyed to the Redevelopment Authority the viability of the investment.

Member Livermore expressed concern over placing the Business Development Manager in a precarious position, and discussed the importance of building transparency into the application process. Mr. McCarthy advised of having researched other successful redevelopment agencies, both within and outside the State of Nevada. "The ones that feel most comfortable because they have exemplary programs ... always bring a third party in that will vet it" for the Redevelopment Authority and "make representation that this is a viable company." Member Livermore noted the list of objective criteria included in the agenda materials, and suggested designating a required number to be met by an applicant. Mr. McCarthy expressed the hope that the new process will require the applicant to demonstrate the method by which the objective criteria will be met. Member Livermore expressed the opinion that policy should express how that will be accomplished, and concern over the City's vulnerability in the absence of a policy.

Chairperson Williamson suggested determining a discretionary amount which Mr. McCarthy and the City Manager would have authority to approve. In response to a comment, Mr. Werner advised that any expenditure over \$25,000 is required to be submitted to the Board of Supervisors for approval. Member Staub suggested determining whether the \$25,000 threshold represents a one-time or a cumulative figure. Mr. Werner reviewed the policy to submit to the Board any contract amendment which exceeds the \$25,000 threshold. He agreed that the same policy will apply to the Redevelopment Authority. Consensus of the Board was to establish the threshold at \$25,000.

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Member Aldean suggested budgeting funds to have a third party review the financial soundness of each applicant. Mr. McCarthy advised that the City of Henderson uses a firm called the National Business Council as a third party application reviewer which, in turn, advises both the redevelopment staff and the authority on the efficacy of a project. He advised that the service is fairly reasonably priced, and offered to report back to the Redevelopment Authority.

Member Aldean read the “Note” on page 4 of the Incentive Program Application into the record, and suggested requiring the inclusion of lien releases as evidence of bills having been paid. With regard to the repayment provisions of the various incentive program descriptions, she suggested including specific language that properties will be liened. She inquired as to whether pre-development incentive program matching funds would be available for upgrading an existing business. Mr. McCarthy advised that the language would be corrected to indicate new and existing businesses. Member Aldean noted that some applications are required to be signed both by the tenant and the property owner. She emphasized the importance of a partnership between the landlord and the tenant, and suggested amending the applications to require support by the landlord, with the understanding that the property will be liened if the incentive funding is granted.

Ms. Bruketta acknowledged that confidential information is allowed to be kept confidential if it's marked accordingly. She responded to questions of clarification, and suggested not requesting information which is not required to process an application. Member Teixeira expressed support for a \$25,000 threshold. He suggested it would be in the best interests of the Redevelopment Authority for staff to provide a simple monthly or quarterly report outlining the amount of funding allocated. Mr. Werner advised that every application will be submitted to the Redevelopment Authority, as part of the process, regardless of the amount.

Chairperson Williamson expressed the understanding that the new process will include specific application periods, thereby providing for more of a screening process. Mr. McCarthy discussed the competitive application process, which will include receiving applications only during certain periods of time. Member Teixeira pointed out that the process may have to be modified to refine efficiencies. With regard to incentives, he discussed the importance of business retention. Mr. McCarthy committed to adding business retention to the policies, processes, and guidelines.

With regard to Objective 4.0, Facilitate Special Events, Member Livermore expressed concern over the limited staff in the Office of Business Development. He suggested identifying a funding source to accommodate utilizing an independent contractor. In response to a question, Mr. McCarthy explained that pre-development costs are essentially the architectural design costs which “allow a project to go through the regulatory process” to be approved. Member Livermore inquired as to how pre-development incentive funding allocations would be recovered if the business didn’t “materialize.” Mr. McCarthy expressed the opinion that “we’re going to have to be a lot more selective in the pre-development application projects that come forward ...” He referred to Member Aldean’s suggestion to include the requirement for the property owner to be part of the application. In response to a question, Mr. Werner explained the one-year time frame associated with the redevelopment project investment report. Discussion took place regarding the objective criteria, and Member Livermore noted the importance of making the process as simple as possible.

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Member Teixeira expressed the hope that the process won't get bogged down in the minutiae. "When you try to make everything work under every circumstance and there's no flexibility," the process won't work. With regard to the objective criteria listed in the incentive pre-application form, Mr. Werner advised that any one of the objectives would qualify. The proposed project would be examined and the level of participation based according to significance. Discussion followed with regard to the objective criteria.

Member Staub commended Mr. McCarthy on the presentation, describing it as an excellent start. He referred to his recommendation memo distributed at the July 31<sup>st</sup> Redevelopment Workshop, and suggested that the proposed ten percent should be paid as of July 1<sup>st</sup> of each year as the budget goes forward and then reconciled back at the end of that fiscal year. Mr. Werner advised that the redevelopment authority cannot be charged for general fund activities without a specific correlation. He acknowledged that the figure can be included in the budget, and suggested that "in many cases, it might be more" than ten percent "depending on what might be going on in that area." Member Staub advised that redevelopment plan area 2 was created solely for business retention. He suggested identifying funding sources in the pre-application process and carrying them through to the final application process. He discussed the importance of the redevelopment plan areas establishing incentives budgets. He suggested establishing thresholds in all those areas to guide the Redevelopment Authority in reviewing applications. He further suggested considering the Community Development Block Grant process as a model, while leaving open "some portion of the budget for exemplary projects." He expressed the belief that as the revolving account balances increase, funding can be allocated to all the various programs offered.

Based on his familiarity with the Community Development Block Grant program, Mr. McCarthy discussed a method by which to schedule workshops to assist applicants in understanding the process, and then allowing the Redevelopment Authority to review applications in a competitive environment. Member Staub described the Community Council on Youth application bid conference process. He commended a previous suggestion of Member Aldean's to remove one property from the redevelopment plan area each time a property is added. "We cannot put the whole town or leave the whole town ... in redevelopment." With the exception of the historic district, he expressed opposition to including residential properties in the redevelopment plan areas. Mr. McCarthy offered to provide research on other redevelopment authorities' responses to Member Staub's suggestions. Discussion followed, and Member Staub reiterated his commendation to Mr. McCarthy on a job well done.

Member Teixeira discussed concerns associated with the number of residential properties included in redevelopment plan areas. He anticipates the "future large investment in this community is all going to be in redevelopment." He referred to the potential associated with the former Copeland Lumber location. Mr. McCarthy responded to questions regarding Highway 50 properties included in the redevelopment plan area. Member Teixeira expressed concern over services required to be provided from the general fund in light of the downturn in residential construction.

Member Aldean expressed an interest in maintaining as much flexibility as possible in the application process. She suggested including language to indicate that this is the criteria used to evaluate a project in competition with other projects submitted. She further suggested including disclaimer language to ensure the applicants' understanding that incentive funding allocation is not an entitlement.

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In response to a question, Mr. McCarthy requested the Redevelopment Authority to approve the policies, processes, and guidelines in concept based on additional feedback to be provided. Chairperson Williamson called for public comment; however, none was forthcoming. In response to a question regarding advisory committees, Mr. McCarthy advised that he would be speaking with each of the Redevelopment Authority members. Member Livermore expressed support for a separate advisory committee for redevelopment plan area 2.

Chairperson Williamson entertained a motion. **Member Staub moved to approve redevelopment programs, processes, and guidelines, as related to redevelopment project areas 1 and 2, in concept, as presented tonight, with the understanding that further review and refinement will be presented to the Redevelopment Authority.** Member Aldean seconded the motion. Motion carried 5-0.

**13(C) ACTION TO APPROVE THE REDEVELOPMENT INCENTIVE REIMBURSEMENT AGREEMENT BY AND BETWEEN CARSON CITY, THE CARSON CITY REDEVELOPMENT AUTHORITY, THE REGIONAL TRANSPORTATION COMMISSION, AND CARSON GAMING, LLC, AS PRESENTED** (6:01:47) - Chairperson Williamson introduced this item. Member Aldean provided background information, and reviewed the agenda report and pertinent portions of the incentive reimbursement agreement. Chairperson Williamson responded to questions regarding the incentive reimbursement agreement provisions. Member Aldean noted the importance of the soon-to-be-vacant Mervyn's store benefitting from the signal at the intersection. She expressed the hope that it will help to attract a new retailer to the location.

Chairperson Williamson entertained public comment; however, none was forthcoming. In response to a question, Mr. Werner advised that the costs to install the signal were "significantly cheaper working through" Carson Gaming, LLC.

Chairperson Williamson entertained a motion. **Member Aldean moved to approve the Redevelopment Incentive Reimbursement Agreement by and between Carson City, the Carson City Redevelopment Authority, the Regional Transportation Commission, and Carson Gaming, LLC, as presented.** Member Livermore seconded the motion. Motion carried 5-0.

**ACTION TO ADJOURN THE REDEVELOPMENT AUTHORITY** (7:28:35) - Chairperson Williamson adjourned the Redevelopment Authority at 7:28 p.m.

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**13(D) ACTION TO APPROVE THE REDEVELOPMENT INCENTIVE REIMBURSEMENT AGREEMENT BY AND BETWEEN CARSON CITY, THE CARSON CITY REDEVELOPMENT AUTHORITY, THE REGIONAL TRANSPORTATION COMMISSION, AND CARSON GAMING, LLC, AS PRESENTED** (7:28:39) - Mayor Teixeira reconvened the Board of Supervisors at 7:28 p.m., introduced this item, and called for public comment. When none was forthcoming, he entertained a motion. **Supervisor Aldean moved to approve the Redevelopment Incentive Reimbursement Agreement, by and between Carson City, the Carson City Redevelopment Authority, the Regional Transportation Commission, and Carson Gaming, LLC, as presented.** Supervisor Williamson seconded the motion. Motion carried 5-0.

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**14. ACTION TO ADJOURN** (7:29:30) - Mayor Teixeira wished Supervisor Staub a happy birthday. Supervisor Livermore moved to adjourn the meeting at 7:29 p.m. The motion was seconded and carried 5-0.

The Minutes of the October 16, 2008 Carson City Board of Supervisors meeting are so approved this 20<sup>th</sup> day of November, 2008.

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MARV TEIXEIRA, Mayor

ATTEST:

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ALAN GLOVER, Clerk - Recorder