

## **CARSON CITY BOARD OF SUPERVISORS**

### **Minutes of the January 15, 2009 Meeting**

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, January 15, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Mayor Robert Crowell

Supervisor Robin Williamson, Ward 1  
Supervisor Shelly Aldean, Ward 2  
Supervisor Pete Livermore, Ward 3  
Supervisor Molly Walt, Ward 4

**STAFF:** Larry Werner, City Manager

Alan Glover, Clerk - Recorder  
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, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:31:22)** - Mayor Crowell called the meeting to order at 8:31 a.m. Roll was called; a quorum was present. St. Teresa of Avila Catholic Community Father Chuck Durante gave the invocation. Mayor Crowell led the pledge of allegiance.

**PUBLIC COMMENTS AND DISCUSSION (8:34:26)** - Mayor Crowell entertained public comment on non-agendized items; however, none was forthcoming.

**1. ACTION ON APPROVAL OF MINUTES - December 18, 2008 (8:34:58)** - Supervisor Aldean moved to approve the minutes, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

**2. CHANGES TO THE AGENDA (8:35:52)** - None.

**3. SPECIAL PRESENTATION - PRESENTATION OF A PROCLAMATION FOR "NATIONAL RADON ACTION MONTH," JANUARY 2009 (8:35:58)** - Mayor Crowell introduced this item, and invited University of Nevada Cooperative Extension Western Area Director Frank Flavin to the podium. Mayor Crowell read the Proclamation into the record. Mr. Flavin thanked Mayor Crowell and the Board for highlighting radon as an important issue. He reviewed information regarding radon, citing it as a "cause for prudence not necessarily alarm." He advised that free test kits are available to the public at the University of Nevada Cooperative Extension office. He noted that free test kits had been provided to the Mayor, the Board members, and the City Manager, and invited everyone to test their homes. In response to a question, Mr. Flavin explained the testing procedure as contained in the free kit. In response to a further question, he discussed a variety of remedial measures to address elevated radon levels in a home. He advised that University of Nevada Cooperative Extension representatives will be working with building industry representatives to build in radon resistance barriers at a relatively low cost. Mr. Flavin advised of "a bit of an alarmist bent to some of the media," and emphasized that radon is a cause for concern and prudence. "It's a health risk factor that should be considered as other health risk factors are; you measure it and then take care of it. It's not something to be alarmed about."

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**RECESS AS BOARD OF SUPERVISORS** (8:42:36) - Mayor Crowell recessed the Board of Supervisors at 8:42 a.m.

### **LIQUOR AND ENTERTAINMENT BOARD**

**CALL TO ORDER AND ROLL CALL** (8:42:46) - Chairperson Crowell called the Liquor and Entertainment Board to order at 8:42 a.m. All members were present, including Member Ken Furlong, constituting a quorum.

**ACTION ON APPROVAL OF MINUTES - November 6, 2008 and December 4, 2008** (8:43:20) - Member Aldean moved to approve the minutes, as presented. Member Livermore seconded the motion. Motion carried 6-0.

#### **4. DEVELOPMENT SERVICES - BUSINESS LICENSE**

**4(A) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE #09-23393, HELD BY DICK NOLLETT DBA 7-ELEVEN (STORE #2236-15833) LOCATED AT 3083 HIGHWAY 50 EAST, CARSON CITY, NEVADA, PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A THIRD OFFENSE, A CRIMINAL STATUTE VIOLATION, WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE, RELATED TO THE SALE OF LIQUOR TO A MINOR AT THE LICENSED PREMISES; THIS ACTION IS TO IMPOSE A FINE OF \$1,500 ON THE LICENSEE AND REVOKE THE LIQUOR LICENSE** (8:44:02) - Chairperson Crowell introduced this item. Development Services Director Walter Sullivan reviewed the agenda report, the provisions of the Carson City Municipal Code pertinent to revocation of the license in this matter, and the agenda materials. Member Furlong advised that all employees of the subject 7-Eleven store had attended the most recent servers education and training class. Chairperson Crowell informed Mr. Nollett of staff's recommendation to revoke the liquor license and to impose a \$1,500.00 fine.

(8:46:58) Mr. Nollett distributed to the board members and staff a packet of information which he reviewed. He introduced his wife, Deanna Nollett, 7-Eleven Corporation representatives, and Desiree Fettig, "who was involved in the third sting that occurred in December." Mr. Nollett provided background information on his residence and business experience in Nevada, as outlined in the information he had previously distributed. Mr. Nollett reviewed the employee training procedures, also as outlined in the previously-distributed information, implemented to prevent alcohol sales violations. He reviewed the measures taken to re-educate and warn the employees against future violations. He reviewed the random testing process administered by 7-Eleven Corporation representatives to prevent illegal sales of tobacco and alcohol. He read into the record the language of a "congratulations card" distributed to the employee upon passing the random tests, and the language of the card distributed upon failing the random tests. He advised that his "no tolerance" policy for failure to pass the random corporate test is immediate dismissal. He clarified that the subject store has passed the random corporate test each time. He reviewed details of the first and second violations, and narrated pertinent photographs which were included in the previously-distributed information. He reviewed details of the third violation, emphasizing that Ms. Fettig had requested identification and processed the sale. He advised that Ms. Fettig had appeared in court and entered a "not guilty" plea. Her next court appearance is scheduled for February 5<sup>th</sup>. He provided background information on the conditions of Ms. Fettig's employment. He emphasized that "it was impossible" for his employees to attend the alcohol servers education class "before the other day." He advised that employees from his other store were also in attendance. "All employees but two have attended

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that class and we needed somebody to cover the store during the class. My wife and I were there as well. The other two employees will be attending the next available class which is in March."

Chairperson Crowell advised of having lobbied in the past for 7-Eleven Corporation. He further advised this has nothing to do, in his judgment, with whether or not the franchisee complied with the Carson City Municipal Code in the subject situation. He further advised of the intent to fully participate in this matter.

(9:08:40) Northern Nevada and Northern California 7-Eleven Area Market Manager Chuck Kroniac reviewed the 7-Eleven Come of Age sales associate training program for the sale of alcohol and tobacco, copies of which were included in the information distributed by Mr. Nollett. He advised that every franchisee is required to have their employees complete the Come of Age training on an annual basis. Following the second violation, Mr. Nollett required his employees to again complete the Come of Age training program. Mr. Kroniac referred to the documentation indicating 100 percent compliance, on the part of Mr. Nollett's sales associates, with the 7-Eleven random testing procedure. He reviewed the 7-Eleven policy requiring sales associates to request identification from customers who appear to be under 30. Following the second violation at the subject 7-Eleven store, Mr. Nollett required his sales associates to request identification from customers appearing to be under 40. Following the third violation, Mr. Nollett's sales associates are requesting identification from any customer seeking to purchase alcohol or tobacco products. Mr. Kroniac advised that the 7-Eleven Corporation considers very seriously the issue of underage sales of alcohol and tobacco, and works with Join Together Northern Nevada "on other drug and alcohol substance abuse programs with the community ..." Mr. Kroniac offered to share 7-Eleven Corporation training materials with the Carson City Sheriff's Department.

Mr. Nollett emphasized that the subject matter was not considered lightly by him personally or relative to his business. He expressed agreement with the spirit of the law, but concern over the lack of accountability imposed on "the people that are committing the violations." He noted that the former employee who committed the first two offenses had her fine reduced in court. He emphasized that the training required of 7-Eleven sales associates and the cash register tools provided should be sufficient to prevent the sale of alcohol and tobacco products to minors. "We can't be with them 24 / 7." In response to a question and in conjunction with photographs contained in the distributed materials, Mr. Nollett explained the situation associated with the third offense.

Member Aldean reviewed her understanding of the "fairly fail safe system" for the sales associate to input the date of birth appearing on the identification into the cash register computer. In response to a question, Mr. Nollett was unable to state how Ms. Fettig failed to prevent the illegal sale of alcohol. "That's something that she's going to answer for." Mr. Nollett reiterated that Ms. Fettig had entered a not guilty plea at her initial hearing and that she is scheduled to appear again in court on February 5<sup>th</sup>. Ms. Bruketta acknowledged that any statements made by Ms. Fettig at this meeting could be used against her in the upcoming court proceeding. She further acknowledged that Member Furlong could provide additional information without jeopardizing Ms. Fettig. Member Furlong introduced Detective Dan Gonzales. Chairperson Crowell noted the seriousness of the issue, but expressed an interest in everyone having an opportunity for input.

(9:23:36) Detective Daniel Gonzales explained that Ms. Fettig had accepted the identification and expressed the belief that "it was overridden" as depicted on the in-house video. "There's no tricks. It's the person's actual, Nevada-issued state ID." In response to a question, Detective Gonzales reiterated the

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belief that “it was a manual override because ... it’s a fail-safe system.” In response to a further question and based on the information provided in Mr. Nollett’s distributed materials, Detective Gonzales advised of two options: “enter the date or hit enter which overrides that procedure of having to enter the date.”

In response to a question, Mr. Nollett advised that, in order for the transaction to have been processed, the birthdate entered by Ms. Fettig could not have matched the one on the identification. In response to a further question, he reiterated “it’s up to the clerk. We give them the tools to work with.” Member Williamson suggested postponing action on this item until such time as Ms. Fettig’s court proceeding is concluded.

Mr. Sullivan advised that he and Mr. Werner had participated in a compliance check last summer with two individuals, aged 17 and 19. One store clerk demonstrated the method by which the computer system can be manually overridden to accommodate an under-age sale. In response to a previous question, Detective Gonzales advised that the former 7-Eleven sales associate cited for the first two violations pled guilty in the court proceeding. Member Williamson reiterated the suggestion to defer action on the subject item until after Ms. Fettig’s court appearance. Ms. Bruketta explained that the ordinance provisions are based on the citation not on a conviction.

Mr. Nollett acknowledged that the “three stings” could be considered compliance checks with the 7-Eleven policies. He further acknowledged that 7-Eleven Corporation has policies on the method by which tobacco and alcohol products are sold, and that such sales are prohibited to minors. He further acknowledged a previous statement regarding increased accountability for the individual violators in that the courts should impose the fines provided for in the pertinent municipal code and state statutes. He acknowledged responsibility for the accountability over his store. He advised that the sales associate against whom the first two citations were issued didn’t ask for identification. He reiterated acknowledgment of responsibility over his employees, comparing the situation to the ultimate accountability parents have for their children’s actions in spite of having provided them “the best guidance that you can.” He reiterated that the sales associates are provided sufficient training and tools, and “as adults, you expect them to follow the rules ...” He further reiterated having terminated the employment of the sales associate responsible for incurring the first two citations, and that he had changed the employment policies to indicate no tolerance. He reiterated the importance of the violators being held more accountable by the court system. “If we were lax in training, if we were lax in giving them the tools, if we were lax in informing them of what they were doing, it would be one thing, but this is something that we constantly put into them.” He requested the board to consider the subject matter in light of his statements.

Member Aldean noted Mr. Nollett’s acknowledgment and acceptance of the responsibility. She further noted the difficulty associated with controlling the actions of others, and that Mr. Nollett had acknowledged the legal accountability for the actions of his employees. She suggested considering an amendment to the ordinance in that holding a show cause hearing without the ultimate resolution of the criminal proceeding is “probably inappropriate.” She expressed support for reviewing the ordinance to consider the basis of conviction rather than the issuance of a citation. She suggested a “truly fail-safe” computer system which would scan the identification and prohibit completion of a sales transaction to a minor “as opposed to relying on your employees to actually input the information manually.” She expressed sensitivity to the fact that the sale of alcohol to minors is considered very seriously. “On the other hand, we are struggling with very difficult economic times.” Member Aldean advised she would be more inclined to consider revocation if the franchisee had adopted a cavalier attitude. She expressed support for imposing the \$1,500 fine and perhaps a temporary suspension, but not revocation. Member Livermore discussed the privilege associated with the liquor license, and noted Mr. Nollett’s responsibility over his employees. In reference

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to Member Aldean's comments, Mr. Nollett described the State of California's approach to identification which prevents the sale of alcohol and tobacco products to minors. He expressed support for implementing a similar method in the State of Nevada.

(9:40:28) Deanna Nollett advised of having been "extremely hesitant" to acquire the Airport Road 7-Eleven franchise "because of the problems that had plagued the store ..." She further advised that 7-Eleven Corporation was "thrilled to have Dick become the franchisee because he had been in the business for so long." She commented on the number of sheriff's deputies who "compliment us on the fact that we do not sell rolling papers, blunt wraps, tubes that could be used for smoking meth, we do not have pornography." She advised of having invested in a \$15,000 camera system because of the store's history "which has pretty much been nil since we have taken it over." She noted the hardship associated with a \$1,500 fine, and the unfortunate situation in light of "what we're doing overall for that store ..." In reference to the previously-reviewed 7-Eleven policies, she advised "the only way to override a register is to put in the wrong date." She further advised that the system has been in place for four years "and we enforce it."

Chairperson Crowell entertained a motion. **Member Livermore moved to impose disciplinary action against liquor license no. 09-23393, held by Dick Nollett, dba 7-Eleven Store 2236-15833, located at 3083 Highway 50 East, Carson City, Nevada, pursuant to Carson City Municipal Code 4.13.150; this disciplinary action is based on the issuance of a citation for the third offense, a criminal statute violation within six months of the first citation issuance, related to the sale of liquor to a minor at the licensed premises; this action is to impose a \$1,500 fine on the licensee and to suspend the liquor license for seven days.** Member Furlong seconded the motion. Chairperson Crowell called for discussion on the motion and, when none was forthcoming, requested a roll call vote. **Members Furlong, Livermore, Walt, and Chairperson Crowell - yes; Members Williamson and Aldean - no. Motion carried 4-2.**

Member Aldean reiterated the suggestion to review the municipal code in consideration of holding show cause hearings based on citations rather than convictions, and requested staff to agendize a possible amendment. Member Furlong agreed with Member Aldean but clarified that the show cause hearings are relative to the liquor license holder. Member Aldean expressed the opinion that the employer and the employee are "inexorably linked." She agreed "there is a distinction to be made," but expressed the opinion that since Mr. Nollett's future "is dependent upon the behavior of his employees, their guilt or innocence is really germane to our discussion." Chairperson Crowell thanked Mr. and Mrs. Nollett.

**4(B) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE #08-3970, HELD BY EUGENE CHANEY DBA CARSON HORSESHOE CLUB, LOCATED AT 402 NORTH CARSON STREET, CARSON CITY, NEVADA, PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE, A CRIMINAL STATUTE VIOLATION, WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE, RELATED TO THE SALE OF LIQUOR TO A MINOR AT THE LICENSED PREMISES; THIS ACTION IS TO IMPOSE A FINE OF \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL OF THE EMPLOYEES ATTEND THE SHERIFF'S OFFICE ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING. A LIST OF ALL EMPLOYEES MUST BE SUBMITTED TO THE DEVELOPMENT SERVICES DEPARTMENT, BUSINESS LICENSE DIVISION, NO LATER THAN SEVEN DAYS FROM THIS HEARING; FAILURE TO SUBMIT THE LIST OF EMPLOYEES WITHIN SEVEN DAYS OF THIS MATTER WILL BE RESCHEDULED FOR THE NEXT CARSON CITY LIQUOR AND ENTERTAINMENT BOARD MEETING TO SHOW**

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**CAUSE AS TO WHY FURTHER DISCIPLINARY ACTION SHOULD NOT BE TAKEN** (9:47:00) - Mr. Sullivan introduced this item, reviewed the agenda report, and referred to the agenda materials. He advised of Mr. Chaney's recent passing, and that Horseshoe Club representatives are making efforts to hire a viable liquor manager. He further advised that the Horseshoe Club has made arrangements for their employees to attend the sheriff's servers education class.

(9:48:26) Jeanette Kelly, representing the Horseshoe Club, expressed regret that "these minors were able to come in and be served." She advised that the situation was considered very seriously, and expressed the belief that the incident "was completely unintentional on the part of the bartenders." She described the Horseshoe Club as "very quiet," and "geared toward adults; ... not conducive to minors." She advised that the casino and bar employees are "very diligent about checking IDs throughout the casino to ensure that no one under 21 is sitting at a machine, is playing a machine, is consuming alcohol or is even loitering in the casino." She further advised of having implemented "the following measures that will hopefully ensure the employees are not deceived by minors again." Lights were added under the bars to provide for easier viewing of IDs, and consideration has been given to purchasing magnifiers as well. Horseshoe Club servers have been required to sign an agreement stating that they will ID anyone who appears to be under 40 years of age. All IDs will be taken under a light. All vertical IDs will be verified by a second employee in the bar or gaming department. Ms. Kelly advised that the employees understand failure to adhere to the policy will result in termination. In addition to the existing signs prohibiting anyone under 21 years of age from entering the premises, signs have been added informing patrons that ID will be requested from anyone appearing to be under 40 years of age. Ms. Kelly advised that some of the Horseshoe Club employees have participated in the sheriff's servers education class, and the remaining servers are required to attend a training course to be provided by sheriff's office personnel at the Horseshoe Club next week. She reiterated the Horseshoe Club policy that no one under 21 is allowed to gamble, loiter, or consume any beverage in the casino. She assured the board that Horseshoe Club employees "will do our best not to be deceived and to ensure that this will not happen again."

Member Aldean advised of having discussed this matter with Mr. Sullivan prior to the start of the meeting. She emphasized that although employees are given three months to attend the servers education class, the establishment is not insulated during that period of time from additional sting operations. Chairperson Crowell entertained discussion and, when none was forthcoming, a motion. **Member Aldean moved to impose disciplinary action against liquor license no. 08-3970, held by Eugene Chaney dba Carson Horseshoe Club, located at 402 North Carson Street, Carson City, Nevada, pursuant to CCMC 4.13.150; this disciplinary action is based on the issuance of a citation for a second offense, a criminal statute violation within six months of the first citation issuance, related to the sale of liquor to a minor at the licensed premises; this action is to impose a fine of \$500 on the licensee and the requirement that the licensee and all of the employees attend the sheriff's office alcohol servers training program within three months of this hearing; a list of all employees must be submitted to the development services department business license division no later than seven days from this hearing; failure to submit the list of employees within seven days will result in this matter being rescheduled for the next Carson City Liquor Board meeting to show cause as to why further disciplinary action should not be imposed. Member Livermore seconded the motion.** In response to a question, Ms. Kelly advised that several Horseshoe Club employees attended the servers education class held last Tuesday. The remaining employees will attend a course scheduled for January 21<sup>st</sup>. Chairperson Crowell called for a vote on the pending motion; **motion carried 6-0.** Chairperson Crowell thanked Ms. Kelly.

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**ACTION TO ADJOURN THE LIQUOR AND ENTERTAINMENT BOARD** (9:53:55) - Chairperson Crowell adjourned the Liquor and Entertainment Board at 9:53 a.m. and recessed the meeting at 9:54 a.m.

**RECONVENE BOARD OF SUPERVISORS** (10:00:15) - Mayor Crowell reconvened the Board of Supervisors at 10:00 a.m.

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**5. CONSENT AGENDA** (10:01:22) - Mayor Crowell entertained requests to hear items separate from the consent agenda and, when none were forthcoming, entertained a motion. Supervisor Livermore moved to approve the consent agenda consisting of four items: 5-1, Clerk-Recorder; two items from Purchasing and Contracts, 5-2(A) and (B); and 5-3, Parks and Recreation - Open Space with acknowledgment to swearing in of Lee Smith and Lynn Norberg as the review appraisers, as presented. Supervisor Walt seconded the motion. Motion carried 5-0.

#### **5-1. CLERK / RECORDER - ANNUAL REPORT OF THE CARSON CITY RECORDER PURSUANT TO NRS 247.305**

##### **5-2. PURCHASING AND CONTRACTS**

**5-2(A) 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 \$60,109.19 FOR CONTRACT NO. 2006-187, TITLED RONALD D. WILSON MEMORIAL PARK, TO GRADEX CONSTRUCTION COMPANY**

**5-2(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 \$22,851.21 FOR CONTRACT NO. 0809-108, TITLED MULTI-USE PATH IMPROVEMENTS - ROUTE 6 PATH PAVING, TO WILSON CONSTRUCTION**

**5-3. PARKS AND RECREATION - OPEN SPACE - ACTION TO APPOINT AND AUTHORIZE THE MAYOR, THE CITY CLERK - RECORDER, OR DESIGNEE TO SWEAR LEE SMITH AND LYNN NORBERG AS THE REVIEW APPRAISERS FOR CARSON CITY WITH REGARD TO THE SELF-CONTAINED APPRAISAL PREPARED BY MR. WILLIAM G. KIMMEL FOR THE HORSECREEK RANCH CONSERVATION EASEMENT LOCATED IN CARSON CITY, APN 007-051-78**

### ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

**6. CITY MANAGER - PRESENTATION AND UPDATE BY NEVADA ENERGY ON THEIR EFFORTS TO RELOCATE THE POWER LINE FORMERLY PROPOSED FOR SALIMAN ROAD TO A LOCATION ALONG HIGHWAY 395** (10:02:20) - Mr. Werner introduced NV Energy Carson District Design Manager of Area Service John Perra and Executive for Regional Operations Carolyn Barbash. Mr. Perra provided background information on this item, noting the November 4, 2008 meeting with Governor Gibbons and former Mayor Marv Teixeira to discuss the location of "the feeder to tie two substations in south Carson together and provide reliable service to the residents and businesses of south Carson." Mr. Perra referred to the November 6, 2008 Board of Supervisors meeting at which NV Energy was requested to suspend work on the previously-issued construction permit and work with Nevada Department of Transportation representatives to relocate the feeder line along the freeway corridor. Mr.

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Perra advised of three meetings between NV Energy and NDOT representatives, on November 7, November 21, and December 22, 2008, during which design details were considered and reviewed. NV Energy developed a plan to locate “the feeder on the 158 line which is along the freeway corridor.” At the November 21<sup>st</sup> meeting, a proposed OSHA regulation was discussed which “would increase the clearance distances required for operations of cranes, derricks, and machinery in the vicinity of energized power lines.” “Based on that proposed OSHA regulation and further discussion with NDOT, NV Energy and NDOT have come to the conclusion that in order for the proposed revised plan that NV Energy put forth for the feeder to go down the freeway corridor, one of two things must occur. Either there must be a compromise made on reliability, and that’s the purpose of this line is reliable service to businesses and residents of south Carson. Failing that, if we’re going to be 100 percent reliable with this line, ... a compromise has to be made on safety.” Mr. Perra advised that both NV Energy and NDOT representatives agree “there’s no greater value that either company holds than safety of the public.” He advised that NV Energy will be unable to relocate the new feeder line along the freeway corridor.

Mr. Perra advised of having received a letter, dated January 14, 2009, that building permit no. 08-583 is cancelled and revoked. He expressed the belief that the City Engineer has misunderstood the intentions of NV Energy and NDOT with regard to the feeder line. He inquired as to whether it is the City’s intention to refuse re-issuance of the permit to allow overhead construction along Saliman Road. Mayor Crowell advised that the City Engineer would need to answer the question outside the Board of Supervisors meeting. Mr. Werner agreed and noted the agendized item was for presentation of a status report.

Supervisor Williamson advised of having met with NV Energy representatives wherein a frank discussion took place with regard to future direction. She thanked Carson City residents, NDOT representatives, and NV Energy representatives for considering various options. In light of the January 14, 2009 correspondence, she inquired as to NV Energy considering the possibility of “undergrounding” the feeder line along Saliman Road. Mr. Perra reiterated that the feeder line is “critical for reliability in south Carson this summer,” and advised that NV Energy is interested in installing it as soon as possible. Based on the January 14, 2009 correspondence, he expressed the understanding that revocation of the building permit “effectively directs ... to proceed with a different option.” He reiterated that installing the feeder line along the freeway corridor is not an option NV Energy is willing to consider. He advised that, at this point, the route to be considered is “overhead on a portion of Saliman [Road] and underground in the area between Colorado and Kingsley” Streets “which is in the neighborhood of the subdivision where the residents are having conflict with this line.” He noted, for the record, this will incur additional costs which will be borne by NV Energy shareholders and either passed along to the City or to “rate payers as a whole.” He advised this will be a decision made by the Public Utilities Commission.

Supervisor Livermore provided background information on his involvement in this matter. He advised that NV Energy had never offered any proof of the need for the feeder line. He expressed appreciation that an alternative is being considered. He offered his assistance in identifying an alternative to overhead lines along Saliman Road. Mr. Perra advised that many of the residents have requested proof regarding the need for the feeder line. He suggested “that’s the reason ... all of us don’t do all things.” He explained the purpose of his position to analyze “these types of concerns. It takes sometimes years of study and quite a bit of education to get there.” In consideration of the current economic situation, Mr. Perra advised that NV Energy wouldn’t increase infrastructure if not absolutely necessary.

Supervisor Walt noted that Saliman Road has three schools, and that the community is actively working to increase pedestrian and bicycle transportation opportunities. She suggested that installing any portion of the feeder line above ground will be “an obstacle ...” “If it’s unsafe on the freeway, how is it going to

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be any safer to go above ground on a street with three schools on it?" Mr. Perra explained the difference in that Saliman Road doesn't have bridges, sound walls; nothing "above ground level ... where somebody could be exposed in closer vicinity to the line than they would be walking on the ground." He listed construction cranes, maintenance vehicles, and the potential for people to walk on the sound wall following construction as safety concerns associated with installing the feeder line along the freeway corridor. He advised that the feeder line will be a sufficient distance from anyone walking or riding a bicycle on Saliman Road. Supervisor Walt requested Mr. Perra to consider the three schools along Saliman Road accessed by pedestrians, bicyclists, and "teen drivers." Mr. Perra clarified that the subject feeder line will not be in the vicinity of the high school. "The lines in the vicinity of the high school will not be altered or changed." Supervisor Walt clarified her concern was pertinent to teenagers driving to the high school along Saliman Road. She requested Mr. Perra to consider "the same safety issue for walkers and drivers on Saliman." Mr. Perra assured the Board members that all construction will be done in accordance with all safety regulations and NV Energy standards, designed to ensure public safety.

Supervisor Aldean expressed appreciation for NV Energy's careful consideration of the concerns expressed by the public and the Board. She acknowledged the importance of proceeding in the best interests of the public and encouraged good corporate citizenship on the part of NV Energy. "If this means investing a little more money in infrastructure in the short term to realize a greater return in the future because you're increasing capacity and the ability to serve customers in south Carson and north Douglas, then I think it's probably worth the investment."

Mayor Crowell opened this item to public comment. (10:16:34) Attorney Day Williams expressed appreciation for NV Energy's consideration to locate the feeder line underground. He advised of a letter addressed to Ms. Barbash from NDOT Assistant Engineering Director Kent Cooper, dated January 6, 2009, wherein NDOT expressed a willingness to accommodate NV Energy with three options: (1) to put the facilities high enough along the freeway to accommodate safety regulations; (2) to de-energize conflicting facilities; and (3) to underground the facilities. Mr. Williams stated, "They had met with the governor and said they could make this work to go down the freeway corridor. NDOT writes them and says, it looks like we have an agreement on option 2 and then they ignore that." Mr. Williams expressed confusion over "how that's cost effective ... because it just makes sense ... to have facilities go down the freeway corridor." He expressed disbelief that OSHA is imposing a regulation making it impossible "for any energy company in this country to install and service lines along the freeway. It makes sense to put new lines along a new freeway corridor." Mr. Williams expressed the opinion that "NV Energy just won't work with NDOT and won't keep its word with the governor." He requested the Board of Supervisors to agendize review of the franchise agreement, from which he read a portion of section 5.06.020(1) into the record. He requested "proof from the other side not just their word that they need something." He expressed further disbelief that NV Energy will underground a portion of the feeder line from Colorado to Kingsley Streets. "All throughout this, they've dodged simple questions from me and the other homeowners asking for information." He reiterated the request to agendize review of the franchise agreement, and the request to provide the data for review by the public. He expressed the belief that the feeder line "is just for north Douglas County; it really doesn't benefit the citizens of Carson City. Southeast Carson City is stable as far as growth ..."

(10:21:10) Claire Hardy expressed agreement with Mr. Williams in that NV Energy hasn't proven the need for the additional line. She expressed the opinion, from the homeowners' point of view, "it's certainly not convenient." She expressed the further opinion that NV Energy "picks and chooses" the sections of the franchise agreement with which to comply, and read from section 9. She expressed the further opinion that the agreement is "not very watertight" and "has caused a lot of distress to the homeowners in the past

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because, until today, we have understood that if the line was to be undergrounded in front of our properties, ... we would bear the onus of any extra costs." She expressed the opinion that "some clarification" is needed. She referred to section 3 of the franchise agreement which indicates that NV Energy would provide a proposed development plan to be reviewed in accordance with the City's comprehensive master plan. "Had it happened, this would be the obvious place to look to show evidence of how they viewed their future growth and the need for any increased power lines ..." Ms. Hardy reiterated the request to review the franchise agreement "so that, in future, situations like this won't arise." She requested clarification from Mr. Perra that the feeder line will be installed underground adjacent to the residential properties.

Mr. Perra reiterated that in the interest of time and in consideration of the requirement for the feeder line, NV Energy will submit an application for an engineering permit to "bring this feeder down Saliman to the point of Colorado. Our design will show that it will go underneath at that point, ... underneath the ground, proceed south along Saliman in the street, and at this point come up just on the other side of Kingsley which effectively bypasses the subdivision that is affected." Mayor Crowell expressed the belief that a permit issued according to that design will meet the safety requirements and address the liability issues discussed by other Supervisors.

(10:25:05) Nevada Department of Transportation Carson City Freeway Project Manager Jim Gallegos advised of having worked closely with NV Energy to resolve existing issues along the freeway corridor. He advised of existing lines along the freeway between Colorado Street and Clearview Drive over which NDOT has "struggled for the past two years to try to accommodate ... They are the last remaining utility relocation that is unresolved for the freeway, actually holding up moving forward with even a package of the freeway right now." Mr. Gallegos advised that the new OSHA standards have affected NDOT's ability to relocate the existing lines. He further advised of having gone from the meeting with Governor Gibbons "with every intention of trying to accommodate" installation of the subject feeder line along the freeway corridor. He explained the "real issue within the freeway" is work zone safety. The new OSHA standard has increased the clear distances between equipment and these power lines. Mr. Gallegos expressed agreement with the statements made by Mr. Perra, and acknowledged having provided a letter requiring certain standards to be met. One such standard was to "turn the lines down." This, however, will affect reliability. The other option to relocate the lines "further out of the way," creates a situation whereby the lines become "very difficult, if not impossible, to maintain." Mr. Gallegos advised that the only other option is installing a portion of the feeder line underground.

In response to a question, Mr. Perra explained that the existing distribution line along the freeway corridor is 600 amps. The new feeder line is 900 amps. "You cannot put those two lines in the same trench. The energy that these lines are carrying generates heat," and putting all the conductors into the same trench de-rates the cable so that you can no longer carry the same capacity as in separate trenches. In addition, the transmission line is at 10 times the voltage of the distribution lines. The induced voltage on the distribution line would interfere with the voltage to be supplied to the customers.

(10:29:50) In response to the allegations that NV Energy has been unresponsive in explaining to the public the need for the feeder line, Ms. Barbash offered to meet with any interested citizen at the NV Energy office to review the transformer reading charts. She explained that NV Energy is at full capacity on the Clearview substation transformer. "We've switched as much load as we can off of that transformer onto other circuits and now all the circuits feeding south Carson are at maximum capacity." Ms. Barbash reiterated the offer to review, with any citizen, the charts and loadings on all circuits and transformers. Mayor Crowell thanked NV Energy and NDOT representatives for the update, and requested them to continue working with City staff on the design and location of the feeder line.

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

**7(A) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE TO AMEND THE ZONING FROM SINGLE FAMILY 6,000 (SF6) TO PUBLIC REGIONAL (PR) AND MULTI-FAMILY APARTMENT (MFA), ON PROPERTY LOCATED AT 1870 RUSSELL WAY, APN 002-101-85** (10:31:17) - Mayor Crowell introduced this item, and noted that it had been continued from the January 5<sup>th</sup> Board of Supervisors meeting. Planning Division Director Lee Plemel reviewed the agenda report, and noted that the Board had approved the master plan amendment pertinent to the subject property at the January 5<sup>th</sup> meeting. He introduced Lumos & Associates Planning Manager Audra Miller.

(10:33:45) Audra Miller, representing the Boys and Girls Clubs of Western Nevada and the Parks and Recreation Department, thanked the Board for the opportunity to again address this matter. Because the master plan amendment and the special use permit had been previously addressed, she advised that her presentation was specifically tailored to the agendized item. She noted that both the Boys and Girls Clubs and the Parks and Recreation Department had goals and objectives to meet, and that the plan represents both. Both parties were also very cognizant of the City's vision for its future. Ms. Miller referred to Supervisor Williamson's comment, at the January 5<sup>th</sup> meeting, that it is not the Board of Supervisors' role or obligation to maximize the use of anyone's property. She explained that the Boys and Girls Clubs had "extra property that they did not need as part of their program," and they wish to dispose of that property. In so doing, Boys and Girls Clubs representatives are interested in "being good citizens" and complying with the City's comprehensive master plan.

Ms. Miller referred to the City's comprehensive master plan, and expressed the belief that the proposed multi-family apartment zoning "furthers that vision." She read the purpose of the comprehensive master plan vision statement and the vision statement itself into the record. She noted that approximately 50 to 60 public meetings were held as part of the comprehensive master planning process. The consultant, Clarion and Associates, presented three basic land use maps for discussion and input at said public meetings. Said land use maps were described as "compact urban growth," "mixed-use activity centers," and "urban expansion." Ms. Miller advised that the citizens had rejected the urban expansion concept and combined the compact urban growth and mixed-use activity center concepts. In reference to her work experience in Carson City, she advised that the citizens and the community "value open space, their quality of life, and want to not prevent growth but to engage in smart growth, and be environmentally friendly and progressive in their land use planning." She expressed the belief that the comprehensive master plan reflects that vision to avoid encroaching into open space and to ensure efficient and wise development. She noted that the subject parcel was designated as high-density residential "as far back as 1996." She pointed out that the zoning designation could have been changed over the years. She noted, however, that during the comprehensive master planning process "there was a very strong realization in the community that there needed to be a better balance between low density residential and more dense residential growth development." Ms. Miller further noted that, based on the City's available residential land use, almost 74 percent is identified as single-family; 12 percent is multi-family. She advised that multi-family includes "everything but single-family, detached residential structures. ... Mobile home have their own separate designation." She noted that the comprehensive master plan further acknowledged the traditional land use of low density residential "and that the community would need to consider higher density because land was scarce" and there was no desire to impact open space "by growing out." She further noted that a variety of housing types were encouraged to address the various needs of the community. She read from the comprehensive master plan, "The resulting land use map reflects the vision, themes, and guiding principles identified in chapter 2. These concepts emerged during the planning process and serve as the foundation of the master plan for the master plan goals and policies. They represent the community's commitment to a more compact, mixed-use pattern of development for the City's future."

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Ms. Miller reviewed the findings required for a zoning map amendment, as outlined in the agenda materials. She advised that the proposed zoning map amendment is consistent with the City's comprehensive master plan. She explained that the high density residential criteria is appropriate in an urban setting, near intersections of arterials and collector streets. She advised that collector streets are designed to accommodate 12,000 average daily trips ("ADT"). The ADT on Northridge, Russell, and Long range between 2,800 to "a little less than 4,000." Ms. Miller advised that high density residential zoning is also used as a transition between commercial / employment areas and lower density residential. She noted that the subject parcel is ideally suited with the adjacent freeway and a mobile home park beyond, the multi-family development to the south, and the developing senior center. She further noted that the recreation facility ball fields will be located to the west of the facility which creates a large buffer between the parcel and the single-family residential area. "North is the wetlands" on City property which will not be developed. Ms. Miller noted the requirement for multi-family apartment zoning to be located near parks, open space, and pathways. She listed Fulstone Park, the wetlands with a network of pathways, and the recreation facility. She anticipates that families living in a multi-family development will patronize the Boys and Girls Clubs facility.

Ms. Miller noted the finding requiring compatibility with existing adjacent land uses and no detrimental impacts to vicinity properties. She reiterated that the subject parcel is adjacent to an existing multi-family residential development and the freeway. She noted existing and anticipated JAC stops in the area. She further noted that sufficient density is necessary for effective public transit. She noted the finding requiring that the proposed amendment not negatively impact existing or planned public services or facilities nor the public health, safety, and welfare. She advised of existing water and sewer lines with sufficient capacity to accommodate additional development. She suggested this as another reason for the area having been designated for high density residential in the comprehensive master plan. She noted the existing City streets and advised of no need for expansion or improvement.

Mayor Crowell opened this item to public comment; however, none was forthcoming. Supervisor Walt thanked representatives of the Boys and Girls Clubs and the Parks and Recreation Department for their time in providing a tour of both the old and new Boys and Girls Clubs facilities. She clarified concerns expressed at the January 5<sup>th</sup> meeting over the "worst case scenario" being "one-bedroom, ... strip apartments." She expressed understanding for the need for high density residential zoning in the community, and the preference to "hand pick" development for the area. She advised of having received assurances from Boys and Girls Clubs representatives with regard to ensuring the safety of the children using the facility.

(10:48:05) Attorney Jason Woodbury, representing the Boys and Girls Clubs of Western Nevada, acknowledged that concern over the safety of children is also the Boys and Girls Clubs concern. "Inasmuch as [the City] wants to avoid an undesirable development, we want to avoid it more because we're going to have to live next to it." Mr. Woodbury advised that there are no development prospects at the present time, but assured the Board of Supervisors of a "self-policing" perspective on the part of the Boys and Girls Clubs. Supervisor Walt reiterated appreciation for the Boys and Girls Clubs representatives' consideration of her concerns, and advised that she had received sufficient answers to her questions.

In consideration of her support for the comprehensive master plan, Supervisor Williamson expressed appreciation for Ms. Miller's presentation. Supervisor Williamson acknowledged the need for multi-family housing in the community, but expressed opposition to "institutional-type multi-family housing." She interpreted multi-family housing as "two and three bedroom accommodations, not just the single-bedroom." She expressed the hope that the sale price of the property "might indicate the quality we're going to receive

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in the end product.” She encouraged the marketers of the property to disclose to potential buyers the expectation that property taxes will be paid.

Supervisor Aldean expressed confidence that the Boys and Girls Clubs will consider the needs of the entire community “and not just their need ... to generate revenue from the sale.” She expressed the opinion that a multi-family zoning designation is appropriate given the clientele of the Boys and Girls Clubs. She expressed the belief that the recreation facility will serve as an amenity to appeal to a developer who is more interested in developing a more expensive product.

Mayor Crowell entertained a motion. **Supervisor Livermore moved to introduce, on first reading, Bill No. 101, an ordinance to amend the zoning from single-family 6,000 to public regional and multi-family apartment, on property located at 1870 Russell Way, APN 002-101-85, based on the findings contained in the staff report. Supervisor Williamson seconded the motion.** Mayor Crowell called again for public comment and, when none was forthcoming, disclosed that Mr. Woodbury is a law associate. He advised that he receives no financial remuneration from the Boys and Girls Clubs, and called for a vote on the pending motion. **Motion carried 5-0.** Supervisor Livermore thanked the Boys and Girls Clubs representatives for their volunteer contributions to the community, and for their attendance and participation in this meeting.

### **7(B) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 2, PARKING AND LOADING, BY AMENDING SECTION 2.3, GENERAL PARKING REQUIREMENTS, TO ADD AN EXCEPTION TO COMMERCIAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS FOR DELIVERIES AND SIMILAR ACTIVITIES, AND OTHER MATTERS PROPERLY RELATED THERETO (10:53:37)**

- Mr. Plemel introduced this item, noting that it had been continued from the November 20, 2008 Board of Supervisors meeting, and reviewed the January 6, 2009 memo included in the agenda materials. He expressed the belief that further amendment to the ordinance with regard to restricting certain personal vehicles from being parked on residential lots should be considered in a separate process.

Supervisor Walt advised of having attended one of the meetings held in the Planning Division, and disclosed that her “husband’s business vehicle is in question with this ordinance.” She discussed Mr. Plemel’s efforts to reach out to the citizens, and commended him. In reference to paragraph 9(b) of the proposed amendment language, Mr. Plemel acknowledged that a person could bring their commercial vehicle home for lunch “if it is within the size definitions.” In response to a question, he read into the record the definition of “pick up truck” from the Carson City Municipal Code. In response to a further question, he advised there are other definitions pertinent to recreational vehicles. He responded to additional questions of clarification. Supervisor Williamson inquired as to enforcement of the proposed ordinance. Mr. Plemel advised that the proposed amendment will assist the Code Enforcement Division. He acknowledged the underlying theory of zoning to separate residential and commercial uses.

Mayor Crowell opened this item to public comment. (11:07:17) Richard Schneider, President of the Lakeview Property Owners Association, distributed a photograph to the Board members. He expressed the opinion that “this whole thing should be tabled until there’s a complete re-work of the parking ordinances.” He commended the Board members’ comments regarding commercial vehicles in residential neighborhoods. He read existing code language into the record, and expressed the opinion that “it’s wrong to go forward with any change to this ordinance when the overlying definition is just so out there.” In reference to the distributed photograph, he read additional code language into the record. He read prepared

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remarks into the record, and requested the Board to reconsider the proposed amendment in light of more clear definitions for truck, commercial trailer, or vehicular equipment of a commercial or industrial nature. In response to a question, he expressed the opinion that paragraph 9(e) cannot be enforced unless "the definition in 9 is articulated so that anybody that walks up to it understands exactly what (e) applies to."

In response to a question, Mr. Plemel expressed the opinion that one can reasonably assume the definition of a commercial vehicle. The exception to the prohibition needs further definition. Mr. Plemel expressed the opinion that defining a vehicle of a commercial or industrial nature will change the exception for the activity of loading, unloading, and service calls.

Mr. Schneider referred to the existing code language which states "vehicles of a commercial nature." "That vehicle, no matter what the owner says he's doing with it or whether he says it's his personal daily driver, ... it's a vehicle of a commercial nature." He noted the City's responsibility to consider the intent of the law "as to why you're banning that vehicle in the first place. It's not fair to discriminate against a business and say it's okay for an individual to have that type of vehicle." He expressed the opinion that the existing code language is very clear. "They don't want big, noisy trucks on residential property." In reference to paragraph 9(e), Mr. Schneider expressed disbelief that anyone has ever complained about "the UPS man making a delivery." He expressed no opposition to the proposed language of paragraph 9(e), but "(e) means nothing unless 9 is fixed."

Supervisor Aldean expressed familiarity with the situation which prompted the proposed amendment. She suggested that, if the Crain Street residents believe the proposed amendment represents an acceptable compromise, implementation shouldn't be delayed even if additional ordinance provisions will be examined at a later date.

(11:17:12) Bruce Kittess advised that Chet Alexander was unable to attend this meeting, but that he sent an e-mail to the Board of Supervisors, several of whom acknowledged receipt of the same. Mr. Kittess advised that concern for his neighborhood was the reason for attending this meeting. He further advised that he no longer attends Planning Commission meetings. "If they were doing their job, we wouldn't be here today." He noted that a 7-foot vehicle will fit in the garage; "higher than 7 feet means it's going to be parked outside." He suggested that since the amendment had been proposed, "why don't you do a complete job." He advised of a construction business, in the Lakeview subdivision, "going on under a home occupation license ..." He requested the Board to instruct staff to review the definitions.

Supervisor Walt advised that Chet Alexander had attended one of the meetings held in the Planning Division office. She expressed the belief that Mr. Alexander had no opposition to the language of paragraph 9(e), and Mr. Plemel acknowledged the accuracy of the statement.

(11:21:41) Greg Petersen, owner of Petersen Plumbing, advised that his commercial vehicle "is probably one of the biggest bones of contention on Crain Street." He provided background information on his business of ten years, and advised that he had been a plumber for thirty years. When he first purchased his residence fifteen years ago, parking his commercial vehicle at his residence was legal. He advised that the definition of commercial vehicle has "been visited a few times and redefined." He further advised that he has been parking his commercial vehicle off-site for over two and a half years. He expressed concern over the language of paragraphs 9(c) and (d), and the opinion that the language of paragraph 9(e) is very clear.

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Mayor Crowell called for additional public comment and, when none was forthcoming, entertained a motion. **Supervisor Walt moved to introduce, on first reading, Bill No. 102, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.16, Development Standards, Division 2, Parking and Loading, by amending Section 2.3, General Parking Requirements, to add an exception to commercial vehicle parking in residential districts for deliveries and similar activities, based on the findings contained in the staff report. Supervisor Aldean seconded the motion. Motion carried 5-0.**

**7(C) ACTION TO ACCEPT THE CARSON CITY MASTER PLAN ANNUAL REPORT AND RECOMMENDATIONS FROM THE PLANNING COMMISSION REGARDING THE IMPLEMENTATION OF THE GOALS AND POLICIES OF THE MASTER PLAN (MPA-08-110)** (11:25:57) - Mayor Crowell introduced this item. Mr. Plemel reviewed the agenda report and the attached materials, and narrated a SlideShow presentation of the annual report. In response to a question, Mr. Plemel requested the Board to accept the report, and advised of no corresponding obligation associated with doing so.

Mayor Crowell opened this item to public comment and, when none was forthcoming, entertained a motion. **Supervisor Williamson moved to accept the Carson City Master Plan Annual Report and recommendations from the Planning Commission regarding the implementation of goals and policies of the master plan. Supervisor Aldean seconded the motion. Motion carried 5-0.**

**7(D) ACTION TO APPROVE A FINAL SUBDIVISION MAP APPLICATION, KNOWN AS HERITAGE HANGARS, FROM LUMOS & ASSOCIATES FOR C & D DEVELOPERS, LLC, TO ALLOW 12 SEPARATE AIR SPACE UNITS WITHIN TWO BUILDINGS, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 2600 EAST COLLEGE PARKWAY, AIRPORT LEASE PARCEL 219A, APN 005-021-02 (FSUB-08-096)** (11:38:42) - Mr. Plemel introduced this item, and reviewed the agenda report. He noted a correction to the agenda item title in that the property owner is Airport Structures, LLC. In reference to condition of approval 14, City Engineer Jeff Sharp acknowledged that surety for the remaining public improvements had been posted this morning.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to approve phase I of the final subdivision map application known as Heritage Hangars, from Lumos & Associates for Airport Structures, LLC, to allow a subdivision map resulting in 12 air space lots, on property zoning public regional, located at 2600 College Parkway, APN 005-021-02, based on the fulfillment of 20 conditions of approval. Supervisor Livermore seconded the motion. Motion carried 5-0.**

## **8. CITY MANAGER**

**8(A) DISCUSSION AND POSSIBLE ACTION REGARDING THE MEMBERSHIP OF THE CARSON CITY AUDIT COMMITTEE** (11:41:13) - Mr. Werner introduced and provided background information on previous discussion of this item. Supervisor Livermore provided background information on the origins of the audit committee, and advised of recent audit committee discussions regarding a possible conflict of interest in consideration of Finance Department Director Nick Providenti's membership. Supervisor Livermore expressed support for two members of the Board of Supervisors to serve on the audit committee, and discussed his intention to present an updated audit work plan to the Board of Supervisors in the near future. He expressed opposition to disbanding the audit committee. In response to a comment, Mr. Werner clarified there was no question regarding the need for an internal auditor.

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Mayor Crowell expressed no opposition to one member of the Board of Supervisors serving on the audit committee. He requested input from the City's external auditors as to the need for an audit committee in addition to an internal auditor, and the appropriate structure. Supervisor Walt suggested deferring action on this item until such time as an internal auditor is hired. Supervisor Williamson expressed concern over an additional committee in light of the City's current financial status. She pointed out that the existing audit committee "didn't even follow their own procedures" in the past. She suggested considering the entire process and perhaps returning to the former structure of an internal auditor who worked with an audit plan established by the Board of Supervisors and provided direct, quarterly reports to the Board. She expressed the opinion that, based on the audit committee minutes, it appears the committee "has kind of gone awry." Discussion followed, and Supervisor Livermore expressed the hope that the audit committee will provide recommendations to the Board of Supervisors with regard to hiring an internal auditor. He advised that a quorum of the audit committee is still available to meet.

Supervisor Aldean expressed agreement with Mayor Crowell's recommendation to have a dispassionate third party consider the structure and purpose of the audit committee. She expressed the opinion that the audit committee serves a function, and that, because of the controversial redevelopment audit, disbanding the committee at this time would "send the wrong signal" to the community. She recommended engaging the external auditors to consider the structure of the audit committee and provide recommendations as to improving the process. Following additional discussion, Supervisor Williamson clarified that her comments had nothing to do with the draft audit report associated with redevelopment. She reiterated that City staff will be called upon "to do a lot more things with limited resources." She expressed support for financial reviews and audits, and further reiterated "we had a process that worked for six to eight years." She noted the importance of balancing the efficiencies of past operating procedures with the accomplishments of the audit committee. Mr. Werner acknowledged having received sufficient direction from the Board.

**RECESS BOARD OF SUPERVISORS** (11:55:34) - Mayor Crowell recessed the Board of Supervisors at 11:55 and passed the gavel to Redevelopment Authority Chairperson Robin Williamson.

### **REDEVELOPMENT AUTHORITY**

**CALL TO ORDER AND ROLL CALL** (11:55:58) - Chairperson Williamson called the Redevelopment Authority to order at 11:55 a.m. A quorum was present.

**ACTION ON APPROVAL OF MINUTES - December 18, 2008** (11:56:03) - Member Aldean moved to approve the minutes, as presented. Member Livermore seconded the motion. Motion carried 5-0.

**8(B) DISCUSSION AND POSSIBLE ACTION ON THE NUMBER AND COMPOSITION OF CITIZEN COMMITTEES FOR THE REDEVELOPMENT AGENCY** (11:56:30) - Chairperson Williamson introduced this item, and Mr. Werner reviewed the agenda report. Chairperson Williamson noted the two redevelopment areas, and reiterated a sensitivity to further expanding staff's duties if two citizens committees are established. She pointed out that the needs of the two redevelopment areas are distinct. Member Livermore suggested amending the citizens committee bylaws to provide for election of chairperson amongst the membership. Member Aldean advised of having originally considered suggesting "cross-pollination" between two citizens advisory committees. In view of the City's limited resources, she suggested integrating both redevelopment plan areas into "one, over-arching advisory committee. They can create subcommittees within their own committee to address the specific needs of the two redevelopment districts. But I think that they need to understand the needs of each of those districts

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because they are somewhat different and independent ..." Member Aldean further suggested incorporating a business and a property owner from redevelopment area 2, "and then some citizens-at-large." Discussion followed, and Chairperson Williamson expressed support for the citizens committee to operate without a Board of Supervisors representative.

Member Livermore expressed support for Member Aldean's suggestions regarding composition of the citizens committee. He expressed support for three representatives from each redevelopment area and perhaps another three citizens-at-large. Member Crowell advised of having watched a redevelopment authority citizens committee meeting, and of having been impressed with the citizens' participation. He agreed with Chairperson Williamson that there may be no need for a Board of Supervisors member to serve. He agreed with Member Aldean's recommendations, and suggested requesting input of the citizens committee. In response to a question, Chairperson Williamson advised that all of the redevelopment authority citizens committee membership terms are technically expired.

Mr. Werner summarized the discussion in that a proposal would be submitted to the citizens advisory committee to combine representatives from both redevelopment areas into one citizens advisory committee. Member Aldean expressed a preference for a seven member committee. Member Livermore suggested that the citizens-at-large should have some expertise. Chairperson Williamson advised that the citizens committee currently has a Chamber of Commerce representative. Member Aldean suggested talking to Chamber of Commerce Executive Director Ronni Hannaman.

Discussion took place regarding the Board of Supervisors meeting at which the redevelopment authority policies and procedures will be presented. Chairperson Williamson called for additional comment and, when none was forthcoming, closed this item. (12:12:57) Chairperson Williamson advised of the need for a Redevelopment Authority vice chair.

### **9. FINANCE**

**9(A) ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FY 2008 / 09 BUDGET IN THE AMOUNT OF \$2,826,746** (12:10:44) - Chairperson Williamson introduced this item, and Finance Department Director Nick Providenti reviewed the agenda report. He responded to questions of clarification, and Chairperson Williamson entertained a motion. **Member Livermore moved to recommend to the Board of Supervisors to adopt a resolution to augment and amend the Carson City Redevelopment Authority FY 2008 / 09 budget in the amount of \$2,826,746.00. Member Crowell seconded the motion. Motion carried 5-0.**

**ACTION TO ADJOURN THE REDEVELOPMENT AUTHORITY** (12:13:14) - Chairperson Williamson adjourned the Redevelopment Authority at 12:13 p.m.

### **BOARD OF SUPERVISORS**

**RECONVENE BOARD OF SUPERVISORS** (12:13:29) - Mayor Crowell reconvened the Board of Supervisors at 12:13 p.m.

**9(B) ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FY 2008 / 09 BUDGET IN THE AMOUNT OF \$2,826,746** (12:13:34) - Mayor Crowell introduced this item, and Mr. Providenti provided an overview of the agenda report. Mayor Crowell entertained public comment and, when none was forthcoming, a

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motion. Supervisor Livermore moved to adopt Resolution No. 2009-R-4, a resolution to augment and amend the Carson City Redevelopment Authority FY 2008 / 09 budget in the amount of \$2,826,746. Supervisor Aldean seconded the motion. Motion carried 5-0.

**9(C) ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FY 2008 / 09 BUDGET IN THE AMOUNT OF \$27,647,267** (12:14:28) - Mayor Crowell introduced this item, and Mr. Providenti reviewed the agenda report. Mayor Crowell entertained Board member and public comment. When none was forthcoming, he entertained a motion. **Supervisor Williamson moved to adopt Resolution No. 2009-R-5, a resolution to augment and amend Carson City FY 08 / 09 budget in the amount of \$27,647,267.00.** Supervisor Livermore seconded the motion. Motion carried 5-0.

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

**INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS** (12:15:48) - Mr. Werner reviewed format changes to the Board of Supervisors agenda.

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

**STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS** (12:16:08) - Supervisor Livermore noted the passing of Andy Butti, as reported in today's newspaper. He discussed Mr. Butti's contributions to the community, and expressed condolences to the family.

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

**RECESS AND RECONVENE THE BOARD OF SUPERVISORS** (12:17:06) - Mayor Crowell recessed the Board of Supervisors at 12:17 p.m. and reconvened at 1:33 p.m.

### **11. CITY MANAGER**

**11(A) ACTION TO APPOINT ONE MEMBER TO THE CONVENTION AND VISITORS BUREAU REPRESENTING THE HOTEL / MOTEL OPERATORS TO FILL A TERM EXPIRING IN JULY 2009** (1:33:39) - Mayor Crowell introduced this item, and Mr. Werner introduced Linda Barnett.

(1:34:04) Linda Barnett thanked the Board of Supervisors for the opportunity, and noted the significance of the Convention and Visitors Bureau to the hospitality industry. At Mayor Crowell's request, she provided background information on her experience in the hospitality and tourism industry.

Supervisor Livermore thanked Ms. Barnett for her application, and discussed his interest in promoting sports and recreation activities in the community. In response to a question, Ms. Barnett stated that sports and recreation tournaments are "the number one and only bright light that we see." She advised of having recently returned from a week-long meeting "with Hilton. And of the eleven market segments that they determine, the only light that they see is in sporting events." Ms. Barnett emphasized the need to support sports tournaments in the community. She acknowledged that she would encourage allocating room tax revenues to expanding and developing sports and recreation venues in this community. "Hilton's view, at this point, is ... that most parents will sacrifice everything else" to provide for their children participating in sporting events.

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Supervisor Walt thanked Ms. Barnett for her application, and inquired as to how she would promote tourism in Carson City. Ms. Barnett discussed the importance of considering “all the things we are doing now.” “Whatever we can add onto in those market segments, we need to go after.” She suggested considering trade shows and whether we “are doing the right thing.”

Supervisor Williamson thanked Ms. Barnett for her application, and inquired as to her opinion of redevelopment and downtown activities. Ms. Barnett expressed support for downtown activities, and expressed the opinion that some consideration should be given to “whether or not we’re getting what we should get in revenue from those events.” She suggested the possibility of outside promoters to increase revenue from downtown events. Supervisor Williamson inquired as to ideas for successful events which could be incorporated into Carson City. Ms. Barnett suggested focusing more on art events which seem to be successful in other towns.

Supervisor Aldean inquired as to Ms. Barnett’s new and innovative ideas for a signature event in Carson City. Ms. Barnett suggested expanding on existing events, and discussed the long-term value of the V&T. She reiterated the importance of focusing on sporting events. Supervisor Aldean inquired as to a method by which to truly quantify the impact of a special event. Ms. Barnett discussed the importance of events generating revenue. “If you haven’t identified why something is not doing what it is supposed to do, then there’s a problem.” Supervisor Aldean expressed the opinion that the V&T itself will likely not turn a huge profit, “but it’s all the ancillary benefits associated with bringing tourists to town in terms of increasing the length of stay, promoting other venues … to help stimulate sales tax generation.” Ms. Barnett discussed the need for a convention center or sufficient meeting space in Carson City. She noted the three franchise hotels, Hilton, Marriott, and Holiday Inn. “That’s some huge marketing tools that can be brought to bear on things.” Ms. Barnett noted the importance of being aware of “what those chains allow you to do, what they have to offer, and what they can bring for you.”

Mayor Crowell requested Ms. Barnett’s input on Carson City’s branding efforts. Ms. Barnett advised that she “embraces branding.” She suggested being flexible with regard to “going down the culinary road,” and advised she’s not totally convinced. Mayor Crowell inquired as to Ms. Barnett’s opinion of the redevelopment areas. Ms. Barnett discussed the importance of “walkability.” “An area that’s contained” to walk around in “is always a good thing, but by no means should that be the only thing. There’s a lot to Carson City,” and Ms. Barnett noted the importance of blending “both of those things.” She advised of having reviewed the downtown improvement plan, and expressed skepticism with regard to “shrinking us down to two lanes.” Mayor Crowell thanked Ms. Barnett for her application.

(1:48:12) Terrie McNutt wished the Board members Happy New Year. At Mayor Crowell’s request, she provided information on her residence in Carson City and her interest in serving as a member of the Convention and Visitors Bureau. She discussed her experience in sales and marketing, tourism, and event planning, and thanked the Board for the opportunity.

Supervisor Williamson thanked Ms. McNutt for her application. Ms. McNutt acknowledged her position as the Sales and Marketing Director for the Courtyard Marriott. In response to a question, she expressed support for the great publicity in the downtown area. She expressed an interest in developing “something else to offer in the winter months,” and the opinion “we’re headed in the right direction with all the downtown development.” In response to a further question, she advised the most common request from hotel guests is for musical and theater productions.

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Supervisor Aldean inquired as to events Ms. McNutt would think appropriate for redevelopment area number 2 to encourage economic investment and increased activity, including the Highway 50 corridor. Ms. McNutt relayed information provided by hotel guests in that “they need a reason to come to Carson City ... and with that reason there has to be value” in the form of money and entertainment. She discussed the expansion potential in redevelopment area 2. In response to a question regarding branding or a signature event, she expressed the belief that due consideration should be given to the professionals’ recommendations. She noted the importance of branding, and expressed the opinion that “whatever is decided, ... we all have to get behind it 100 percent.”

Supervisor Livermore inquired as to the value of sporting events to the tourism industry. Ms. McNutt advised of having not been surprised at the results of the latest Convention and Visitors Bureau survey indicating sporting events as the number one attraction to the area. She expressed the opinion that promoting sporting events “is essential. We have the facilities, ... the coaching, ... everything to offer here around sports.” She expressed the further opinion that the “missed opportunity” is to bring participants back for other than sporting events. In response to a further question, she expressed support for allocating room tax revenues to expanding or developing sporting event venues if the research so indicated.

Supervisor Walt thanked Ms. McNutt for her application. In response to a question, Ms. McNutt listed honesty and full participation as responsibilities of a Convention and Visitors Bureau member. She expressed the belief that volunteerism is essential.

Mayor Crowell inquired as to whether the community does enough to promote diversity in sports and to serve diverse population groups. Ms. McNutt expressed the belief that the Parks and Recreation Commission is very valuable, and noted it is a diverse commission “in itself, representing lots of areas.” She advised that area high schools are “very outgoing,” and expressed the belief that the Parks and Recreation Commission is “phenomenal in trying to provide the lifetime-type sports from golf to tennis, swimming ...” She suggested “there can never be too much,” and emphasized the importance of fresh ideas “about how to expand on what we’re already doing or how to bring people back or how to get their opinion on what needs to be fixed or better implemented.” Mayor Crowell thanked Ms. McNutt for her application on behalf of the Board and the community.

Mayor Crowell canvassed the Board members. Supervisor Walt expressed support for Ms. McNutt based on her length of residence and experience in the community. Supervisor Livermore expressed support for Ms. McNutt based on her experience with tourism. Supervisor Williamson expressed appreciation for Ms. Barnett’s application, and encouraged her to become more involved in the community. She expressed support for Ms. McNutt’s appointment for the previously-stated reasons. Supervisor Aldean expressed appreciation for both candidates’ sincerity and experience. In the interest of unanimity, she expressed support for Ms. McNutt’s appointment. She encouraged Ms. Barnett’s continued involvement. Mayor Crowell expressed appreciation for the experience of both applicants, and noted the prestigious organizations both applicants represent. He discussed the importance of community involvement, and expressed support for Ms. McNutt’s appointment based on her experience in the community. He requested Ms. Barnett’s continued involvement, and entertained a motion. **Supervisor Walt moved to appoint Terrie McNutt to represent the hotel / motel operators to the Carson City Convention and Visitors Bureau to fill a term expiring July 2009. Supervisor Livermore seconded the motion. Motion carried 5-0.** The Board members congratulated Ms. McNutt.

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**11(B) ACTION TO APPOINT THREE MEMBERS TO THE OPEN SPACE ADVISORY COMMITTEE FOR FOUR-YEAR TERMS, EXPIRING JANUARY 1, 2013** (2:06:12) - Mr. Werner introduced this item, and reviewed the agenda report. Discussion took place regarding the necessity of the interviews in consideration of the three openings. Mr. Werner introduced Teri Green-Preston.

(2:07:15) Ms. Green-Preston provided background information on her residence and family history in Carson City, and her real estate and land development company in the State of Washington.

Supervisor Aldean provided background information on Question #18, and inquired as to Ms. Green-Preston's opinion of perhaps returning to the voters to adjust the percentages allocated to acquisition and management of open space. Ms. Green-Preston discussed the importance of maintenance with regard to fire, erosion, and public access. Mayor Crowell advised of having just been notified, by e-mail, that the federal lands bill had passed. Ms. Green-Preston discussed her experience working on "several different initiatives here in Nevada and also in Washington State to bring forth to the voters."

(2:14:44) Steve Hartman acknowledged having been informed of the passage of the lands bill. Supervisor Aldean reiterated the suggestion to consider adjusting the Question #18 percentage allocations in consideration of concerns of benign neglect of acquired open space properties. In response to a question, Mr. Hartman advised that the Open Space Advisory Committee has been considering the issue of management and maintenance of open space properties for some time. The committee has been in the process of developing a management plan for all open space properties, including signage, "a lot of the day-to-day issues," ranger patrol, and access. Mr. Hartman advised of having always advocated the "development side of the equation" to ensure planned unit developments and clustering. He advised of no opposition to approaching the voters. He expressed support for joint projects with other City departments, but pointed out that the "community was very clear about what they want in terms of open space." He advised that the Open Space Advisory Committee zealously protects the open space provisions of Question #18. He acknowledged the importance of management and maintenance, but emphasized that the Open Space Program should never supplant general fund obligations. Supervisor Aldean noted the importance of fire suppression in wooded areas. Mr. Hartman advised that the Open Space Advisory Committee has been very proactive in the area of fuels management. He further advised of having committed to the U.S. Forest Service to consider a joint program to address the community's wildland urban interface. He noted the number of Open Space Program projects accomplished thus far, and discussed the need to continue working with the Parks and Recreation Department on trails. He discussed the importance of educating the community on the pertinent issues, and suggested scheduling workshops.

Supervisor Livermore noted Mr. Hartman's length of service to the Open Space Advisory Committee. He expressed the opinion that Question #18 always envisioned the open space allocation would convert to management and maintenance. He noted that Question #18 has a non-sunset provision, and cautioned against re-opening it to further consideration by the voters. Mr. Hartman agreed with the importance of management and maintenance of acquired open space property, and reiterated the importance of the community understanding "what it is that we've got." He discussed the "fuzzy line" between passive open space recreation and active parks and recreation.

Supervisor Williamson thanked Mr. Hartman for his re-application. In response to a comment, Mr. Hartman discussed the critical need to involve younger people. Supervisor Williamson discussed the importance of annual reports to the Board of Supervisors in order to provide the opportunity to celebrate accomplishments. Mr. Hartman advised that the Open Space Advisory Committee provides an annual report to the Board. He expressed great pride in the Open Space Advisory Committee which is represented

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by very talented members, both professionally and in terms of community involvement. The Open Space Advisory Committee “has expertise that you just don’t get all the time.” He noted the expertise represented in the community, and reiterated the need to “tap that” as a resource. Mayor Crowell thanked Mr. Hartman for his re-application, and discussed his deepening appreciation for the value of this community’s open space.

(2:28:37) Bruce Scott discussed the catalyst function of the Open Space Program. “We have the potential to ... make the down payment on a multi-benefit ... purchase ... in order to hold things in place while other funding or other sources of revenue or grants are found.” Mr. Scott discussed the benefit of multi-purpose, joint projects to the community. He referred to the Joost Ranch project, and expressed the hope that more irrigated land on the west side will, at least in part, become more long-term open space. He expressed pride in seeing things “starting to link,” and referred to the Mexican Ditch bridges as an example. He requested consideration of his re-application. In reference to Mr. Hartman’s comments, he expressed a willingness to consider stepping aside in favor of active, younger people “interested in perpetuating this.” Mayor Crowell thanked Mr. Scott for his application.

Mayor Crowell entertained a motion. **Supervisor Aldean moved to appoint Teri Green-Preston, Steve Hartman, and Bruce Scott to the Open Space Advisory Committee for four-year terms, expiring January 1, 2013. Supervisors Williamson and Livermore seconded the motion. Motion carried 5-0.**

**12. ACTION TO ADJOURN** (2:33:02) - Supervisor Williamson moved to adjourn the meeting at 2:33 p.m. Supervisor Livermore seconded the motion. Motion carried 5-0.

The Minutes of the January 15, 2009 Carson City Board of Supervisors meeting are so approved this 19<sup>th</sup> day of February, 2009.

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ROBERT L. CROWELL, Mayor

ATTEST:

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ALAN GLOVER, Clerk - Recorder