

## **CARSON CITY BOARD OF SUPERVISORS**

### **Minutes of the May 5, 2011 Meeting**

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, May 5, 2011 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Mayor Robert Crowell

Supervisor Karen Abowd, Ward 1  
Supervisor Shelly Aldean, Ward 2  
Supervisor John McKenna, Ward 3  
Supervisor Molly Walt, Ward 4

**STAFF:** Andrew Burnham, Acting City Manager

Alan Glover, Clerk - Recorder  
Randal Munn, Chief Deputy District Attorney  
Kathleen King, Deputy Clerk / Recording Secretary

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

**1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE** (8:31:27) - Mayor Crowell called the meeting to order at 8:31 a.m. Mr. Glover called the roll; a quorum was present. First Christian Church Pastor Ken Haskins provided the invocation. Bruce Kittess led the pledge of allegiance.

**5. ACTION ON APPROVAL OF MINUTES - April 7, 2011** (8:33:12) - Supervisor Aldean advised of a number of clerical corrections which she offered to share with the recording secretary after the meeting. Supervisor Aldean moved to approve the minutes, with corrections. Supervisor Abowd seconded the motion. Motion carried 5-0.

**6. ADOPTION OF AGENDA** (8:33:40) - Mayor Crowell entertained modifications to the agenda and, when none were forthcoming, deemed it adopted.

**7. PUBLIC COMMENTS AND DISCUSSION** (8:33:50) - Mayor Crowell entertained public comment; however, none was forthcoming.

**8. SPECIAL PRESENTATION OF THE 2011 HISTORIC PRESERVATION AWARDS (HRC-11-004)** (8:34:14) - Mayor Crowell introduced this item and invited Historic Resources Commission Chair Michael Drews to the podium. Mayor Crowell passed the gavel to Mayor *Pro Tem* Aldean and stepped from the meeting dais to the podium. Mr. Drews reviewed the agenda materials, noting that this year's Historic Preservation Awards recipients "exemplify the spirit, motivation, and determination necessary to preserve our ... City's cultural heritage for future generations."

Mr. Drews invited former Supervisor Robin Williamson to the podium, noting that he "couldn't have done [his] job as chairman of the Historic Resources Commission without her. She was a huge supporter of our work, guided us, and fought side-by-side with us ... on one of the toughest problems we've ever had in the district ..." Mr. Drews thanked Ms. Williamson for all her effort and time invested in historic preservation on behalf of the City and the State. The Board members, City staff, and citizens present applauded Ms.

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Williamson, and Mayor Crowell thanked her on behalf of the City. Mr. Drews presented Ms. Williamson a plaque, the language of which Mayor Crowell read into the record. Mayor Crowell congratulated Ms. Williamson.

(8:36:34) Ms. Williamson acknowledged the number of “interesting meetings” over the years, and thanked all the Historic Resources Commissioners over the years “for their hard work and expertise and for preserving what we know is special about Carson City, our historic structures and our historic atmosphere.” She commended the partnership with the private enterprises, businesses, individuals, and state agencies who have invested in historic preservation. She thanked the Historic Resources Commission and the Board.

Mr. Drews commented former Supervisor Pete Livermore on his “behind the scenes work and the support” of historic preservation over the years. Mayor Crowell advised that Bruce Kittess would accept the Historic Preservation Award on behalf of former Supervisor Livermore, and read the language of the award into the record. Mayor Crowell requested Mr. Kittess to convey the City’s sincere appreciation for all former Supervisor Livermore has done for Carson City. (8:39:17) Mr. Kittess advised that Assemblyman Livermore was “at work at the legislature.” He conveyed Assemblyman Livermore’s love for Carson City, and commented “history is the best teacher.”

Mr. Drews conferred the next Historic Preservation Award on Darci Casey, the owner of the 503 North Nevada Street structure, and provided background information on the restoration project. Mr. Drews commended Ms. Casey on the restoration project. He called for Ms. Casey, but no one was forthcoming.

Mr. Drews conferred the next Historic Preservation Award on the State of Nevada for the Dema Guinn addition to the Nevada State Museum. He advised that Gus Nunez would accept the award on behalf of the State, and provided background information on the addition project. He commended the State of Nevada for working with the Historic Resources Commission on the project, and commended the quality of the project. The Board members, City staff, and citizens present applauded. Mayor Crowell thanked Mr. Nunez on behalf of the City. (8:41:57) Mr. Nunez recognized Architect Robbie Oxoby on his project design, and former Governor Kenny Guinn on securing the funding necessary to complete the project. He thanked the Historic Resources Commission and the Board for the recognition.

Mr. Drews reported that the contractor is diligently working on the National Register of Historic Places nomination of the Carson City Historic District. He advised that a discussion will be agendized for the next Historic Resources Commission meeting. Mayor *Pro Tem* Aldean thanked Mr. Drews, noting “it definitely takes a community to preserve a community.” She thanked the Historic Preservation Award recipients for their diligence, and returned the gavel to Mayor Crowell, who had returned to the meeting dais.

**9. CONSENT AGENDA** (8:43:59) - Mayor Crowell entertained requests to hear items separate from the consent agenda. Supervisor Aldean requested to pull item 9-7. Mayor Crowell entertained additional requests and, when none were forthcoming, a motion to adopt the remainder of the consent agenda. **Supervisor Aldean moved to adopt the consent agenda, consisting of one item from the Treasurer’s Office, one item from Public Works, two items from the Fire Department, two items from Purchasing and Contracts, one item from Finance, and one item from Parks and Rec. Supervisor Walt seconded the motion. Supervisor Aldean amended her motion to include adoption of Resolution No. 2011-R-12 in conjunction with item 9-6. Supervisor Walt continued her second.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote. **Motion carried 5-0.**

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**9-1. TREASURER - ACKNOWLEDGMENT OF AFFIDAVIT OF DELINQUENT NOTICE MAILING FOR REAL PROPERTY TAXES**

**9-2. PUBLIC WORKS DEPARTMENT - ACTION TO APPROVE AN AGREEMENT FOR THE CITY TO PURCHASE A PERMANENT UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FROM PROPERTY OWNERS JAMES H. WHEELER, II AND MALA J. WHEELER, TO ALLOW CONSTRUCTION OF PUBLIC SANITARY SEWER AND STORM DRAIN IMPROVEMENTS ACROSS 4600 CONTE DRIVE, APN 010-192-09, ASSOCIATED WITH THE NORTH / SOUTH WATER TRANSMISSION MAIN PROJECT**

**9-3. FIRE DEPARTMENT**

**9-3(A) ACTION TO AUTHORIZE THE MAYOR TO SIGN THE 2011 ANNUAL OPERATING PLAN BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, HUMBOLDT-TOIYABE NATIONAL FOREST, CARSON RANGER DISTRICT (AGREEMENT NO. 06-FI-11041701-057) AND THE CARSON CITY FIRE DEPARTMENT**

**9-3(B) ACTION TO AUTHORIZE THE MAYOR TO SIGN THE MODIFICATION OF GRANT OR AGREEMENT FORM FROM THE UNITED STATES FOREST SERVICE IN ORDER TO EXTEND THE TERMS OF AGREEMENT NUMBER 06-FI-11041701-0572011, A COOPERATIVE FIRE PROTECTION AGREEMENT BETWEEN THE FOREST SERVICE AND THE CARSON CITY FIRE DEPARTMENT EXTENDED THE TERMS OF THE AGREEMENT TO MARCH 31, 2012**

**9-4. PURCHASING AND CONTRACTS**

**9-4(A) ACTION TO APPROVE CONTRACT NO. 1011-125, PURSUANT TO NRS 332.115(1)(b) AND NRS 625.530 WITH THE LOUIS BERGER GROUP, INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE CARSON CITY FREEWAY PHASE 2B UTILITIES SUPPORT, THROUGH JANUARY 1, 2012, FOR A NOT-TO-EXCEED AMOUNT OF \$139,554.17, TO BE FUNDED FROM VARIOUS NDOT BYPASS REIMBURSABLE AND NONREIMBURSABLE ACCOUNTS, AS PROVIDED IN FY 2010 / 2011 AND FY 2011 / 2012**

**9-4(B) ACTION TO APPROVE CONTRACT NO. 1011-226, PURSUANT TO NRS 332.115(1)(b) AND NRS 625.530 WITH PACIFIC WEST ENERGY SOLUTIONS, INC. TO PROVIDE PROFESSIONAL SERVICES FOR THE CARSON CITY PUBLIC SAFETY / SHERIFF'S ADMINISTRATION / WWTP SOLAR PROJECT, THROUGH JANUARY 30, 2012, FOR A NOT-TO-EXCEED AMOUNT OF \$145,000.00, TO BE FUNDED FROM VARIOUS POWER ACCOUNT FUNDS, AS PROVIDED IN FY 2010 / 2011 AND FY 2011 / 2012**

**9-5. FINANCE DEPARTMENT - ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY THROUGH APRIL 26, 2011, PURSUANT TO NRS 251.030**

**9-6. PARKS AND RECREATION DEPARTMENT, OPEN SPACE DIVISION - ACTION TO ACCEPT THE RECOMMENDATION OF THE OPEN SPACE ADVISORY COMMITTEE TO APPROVE A JOINT RESOLUTION THANKING CHAIRMAN STEVE HARTMAN FOR HIS YEARS OF SERVICE TO CARSON CITY**

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**9-7. CITY MANAGER - ACTION TO AUTHORIZE THE MAYOR TO SIGN A SUBORDINATION AGREEMENT NECESSARY TO PERMIT THE BREWERY ARTS CENTER TO OBTAIN FUNDING TO CONSOLIDATE DEBT; THE SUBORDINATION AGREEMENT WOULD RESULT IN CARSON CITY'S SECURITY INTERESTS IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT** (10:05:47) - Mayor Crowell introduced and provided background information on this item. In response to a question, Mr. Munn advised that since the original lien is in favor of the Redevelopment Authority, the Redevelopment Authority would eventually have to sign off. Supervisor Aldean suggested deferring action on the second subordination agreement until the next meeting when it can be agendized as an action by the Redevelopment Authority. She noted corrections to the first paragraph of the agreement relative to the parties, and discussion followed.

(10:09:54) Brewery Arts Center Board of Directors President Bruce Robertson advised that a two-week delay would not affect the deal.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to authorize the Mayor to sign a subordination agreement, on behalf of Carson City, necessary to permit the Brewery Arts Center to obtain funding to consolidate debt; the subordination agreement would result in Carson City's security interests in the property becoming subject to and of lower priority than the lien of some other or later security instrument; with a request that staff return in two weeks with a similar action agendized for the Redevelopment Authority relative to a \$20,000 lien on the subject property. Supervisor Walt seconded the motion. Motion carried 5-0.**

**10. RECESS BOARD OF SUPERVISORS** (8:45:27) - Mayor Crowell recessed the Board of Supervisors at 8:45 a.m.

**LIQUOR AND ENTERTAINMENT BOARD**

**11. CALL TO ORDER AND ROLL CALL** (8:45:31) - Chairperson Crowell called the Liquor and Entertainment Board to order at 8:45 a.m. Mr. Glover called the roll; a quorum was present.

**12. ACTION ON APPROVAL OF MINUTES - November 4, 2010, March 17, 2011, and April 7, 2011** (8:45:46) - Member Aldean moved to approve the minutes of November 4, 2010. Member Walt seconded the motion. Motion carried 3-0-2, Members Abowd and McKenna abstaining. Member Aldean moved to approve the minutes of March 17, 2011 and April 7, 2011, as presented. Member Walt seconded the motion. Motion carried 5-0.

**13. PUBLIC WORKS DEPARTMENT, BUSINESS LICENSE DIVISION**

**13(A) ACTION TO APPROVE KRISTINE MEYERS AS THE LIQUOR MANAGER FOR SMITH'S FOOD AND DRUG STORE, LIQUOR LICENSE NO. 11-4042, LOCATED AT 599 EAST WILLIAM STREET, CARSON CITY** (8:47:21) - Chairperson Crowell introduced this item, and Principal Planner Jennifer Pruitt reviewed the agenda materials. In response to a question, Ms. Pruitt advised that staff did not provide a recommendation, in lieu of the applicant addressing questions from the board.

At Chairperson Crowell's request, Smith's Food and Drug Store Liquor Manager Michael Cook and Kristine Meyers introduced themselves for the record. In response to a question, Mr. Cook and Ms. Meyers advised that they had not seen the staff report. Chairperson Crowell advised of concerns relative to Ms.

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Meyers' past legal issues. In response to a question, Ms. Pruitt advised that the agenda materials to be discussed at the meeting were provided to the applicant. In response to a question, Mr. Cook advised that deferring action on the subject item would not cause any economic problem to Smith's Food and Drug Store. At Mayor Crowell's request, Mr. Cook agreed to discuss the potential issues with Ms. Meyers and with Sheriff's Department and Business License Division staff. Mayor Crowell entertained a motion to table the item. **Member Walt moved to table liquor license number 11-4042 for the next board meeting. Member Abowd seconded the motion.** At Chairperson Crowell's request, **Member Walt amended her motion to indicate that the matter would be tabled until re-agendized by staff. Member Abowd continued her second. Motion carried 6-0.**

**13(B) ACTION TO APPROVE KULVIR SINGH AS THE LIQUOR MANAGER FOR DISCOUNT BUY SMOKE N LIQUOR, LIQUOR LICENSE NO. 11-27262, LOCATED AT 500 HOT SPRINGS ROAD, CARSON CITY** (8:52:47) - Chairperson Crowell introduced this item. Ms. Pruitt reviewed the agenda materials, noting staff's recommendation of approval. At Chairperson Crowell's request, Mr. Singh described the location of the establishment. Member Furlong described the subject background information as "problematic at best, partially due to a language ... barrier ... and trying to clarify information that just wasn't coming forward very adequately." Member Furlong provided further clarification regarding the location of the storefront, and expressed the opinion that it "brings this business to a great amount of light." He advised that "the City has invested tremendously along Hot Springs Road," approximately \$1.5 to \$2 million "on reconstruction in the area, developing the area to improve the appearances. Partnership Carson City and the Quality of Life Committee brought in Mobile Rec. We did some saturation enforcement in there, really intending to improve the environment and the quality of life amongst all of those folks that live in that area." Member Furlong expressed the opinion that "we have succeeded ... at least in the short term of doing this." He advised that Mr. Singh had assured Sheriff's Department staff that Surinder Preet had been removed from the liquor license application. "But he has also, in his interviews with the Sheriff's Department, indicated ... not an overwhelming desire to open this store but for his lease that he cannot get out of." Mr. Singh acknowledged the accuracy of the statement. Due to the previously stated considerations, Member Furlong advised of apprehension over supporting the liquor license application. "We've invested a lot in that area. We've made great inroads in that area." In consideration of all the recent investment, Member Furlong inquired as to Mr. Singh's intent to maintain and improve the quality of life in the area. Mr. Singh provided background information on the lease provisions. He acknowledged that he is being forced to open a business because he cannot break the lease.

In response to a question, Detective Dan Gonzales advised that the background investigation revealed no negative actions against Mr. Singh's Reno liquor license. Detective Gonzales expressed the understanding that Mr. Singh is in the process of closing the business due to lack of income. Member Aldean noted that the lease is a private transaction between Mr. Singh and his landlord. Mr. Singh acknowledged a desire to have the liquor license approved. Member Walt expressed concern over the sale of alcohol and cigarettes to minors, noting that two school buses drop off in the area of the store. In response to a question, Mr. Singh advised of the intent to have one or two employees, in addition to himself, to manage the cash register. In response to a further question, he advised that he has a "clean record for the last seven years." He acknowledged a willingness to attend the Sheriff's Office alcohol servers training. He further acknowledged that he will be operating the store.

Chairperson Crowell noted the sensitivity associated with allowing a liquor store "right where there's a whole lot of young people who are going to be there at least twice a day." He expressed concern over "hands-on ability to control that, not only from the alcohol standpoint, but from a litter standpoint, from sale of tobacco products to minors." In response to a question, Mr. Singh advised that the lease has an

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additional 18 months. He was uncertain as to whether he would extend the lease after its expiration in 18 months. Chairperson Crowell requested Mr. Singh to assure the board that he wouldn't be "just an absentee tenant running a business that has alcohol and tobacco right where kids get off a bus." Mr. Singh reiterated a willingness to attend the Sheriff's Office alcohol server training. Chairperson Crowell emphasized the importance of the City not "go[ing] backwards" on the improvements made in the area.

In response to a question, Ms. Pruitt advised that the property's zoning designation allows the store. She was unaware of any interactions or calls from the public. Member Furlong advised of having received no complaints. He further advised of having reviewed the crime statistics for the area. "We are doing remarkably well right now before the store opens." Member Abowd suggested considering "how many liquor and cigarette shops we need in Carson City. It becomes an issue after a while." Mr. Singh responded to questions regarding the provisions of his lease agreement relative to the liquor license. In response to a question, Mr. Munn reviewed the applicable provisions of the ordinance relative to a suitable applicant.

Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member McKenna moved to approve Kulvir Singh as a liquor manager for Discount Buy Smoke and Liquor, liquor license number 11-27262, located at 500 Hot Springs Road, Carson City. Member Aldean reluctantly seconded the motion.** Member McKenna expressed uncertainty over the board's latitude in consideration of a viable liquor license holder who has assured the board he will follow the law. Member Aldean agreed that the Code fairly well circumscribes the board. Chairperson Crowell entertained public comment on the motion and, when none was forthcoming, a vote. **Motion carried 5-1.**

Member Aldean noted the evolving nature of the Hot Springs Road area due, in part, to the City's substantial investment. She suggested considering the area zoning "to make it more consistent with how [it] has evolved over time to eliminate this sort of thing from happening in the future." Member McKenna thanked Mr. Singh for being a very good naturalized citizen, for his investment in Carson City, and expressed the hope that he will follow the law and take extraordinary measures to prevent the sale of alcohol and tobacco products to minors. He expressed the further hope that Mr. Singh will work with the Sheriff to get his employees trained and that there is never a violation. He noted the "marginal" nature of the liquor license and the location of the business. He requested Mr. Singh to re-evaluate the situation in consideration of a more appropriate location for the business. Chairperson Crowell concurred, and emphasized the importance of Mr. Singh being "very careful." Member Aldean pointed out that but for Mr. Singh's exemplary record, the application could have been denied.

**13(C) ACTION TO APPROVE JINNY SUAREZ AS THE LIQUOR MANAGER FOR THE OLIVE GARDEN ITALIAN RESTAURANT, LIQUOR LICENSE NO. 11-27562, LOCATED AT 4253 SOUTH CARSON STREET, CARSON CITY (9:15:35)** - Chairperson Crowell introduced this item. Ms. Pruitt reviewed the agenda materials, noting staff's recommendation of approval. (9:16:20) Jinny Suarez advised that the Olive Garden Restaurant is scheduled to open June 27<sup>th</sup>. In response to a question, Ms. Suarez advised the Olive Garden employees go through extensive training relative to the sale of alcohol. She further advised that she will be contacting the Sheriff's Office to schedule alcohol server training. "It's mandatory that we card anyone ... that looks under the age of 30, but it's even now we card almost everybody. ... there's no option at all at our restaurant." In response to a further question, Ms. Suarez advised that the hiring process will begin June 8<sup>th</sup>; that approximately 72 servers and 10 bartenders will be hired. "We have six days to hire 165 people." Ms. Suarez distributed informational materials to the board members and the Clerk.

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Member Aldean commended the building design, welcomed Ms. Suarez to the neighborhood, and wished her well. Chairperson Crowell commended the professionalism exemplified by the informational materials. He entertained questions or comments and, when none were forthcoming, a motion. **Member Walt moved to approve Jinny Suarez as the liquor manager for The Olive Garden Italian Restaurant, liquor license number 11-27562, located 4253 South Carson Street, Carson City. Member Abowd seconded the motion. Motion carried 6-0.**

**13(D) DISCUSSION ON PROPOSED MODIFICATIONS RELATING TO THE LIQUOR LICENSE ORDINANCE AND POSSIBLE DIRECTION TO STAFF TO BRING FORTH AMENDMENTS TO THE MUNICIPAL CODE** (9:19:03) - Chairperson Crowell introduced this item, and Ms. Pruitt reviewed the agenda materials. Planning Division Director Lee Plemel provided background information on the proposed ordinance modifications, as outlined in the April 14, 2011 memo included in the agenda materials. Extensive discussion took place regarding the criteria for requiring a temporary liquor license, and consensus of the board was to add a question to the business license application relative to serving alcohol as part of the daily operation. Mr. Munn suggested that the proposed ordinance amendment could be drafted in such a way as to restrict the amount of complimentary alcohol served. Additional discussion followed, and Chairperson Crowell entertained public comment. None was forthcoming, and Chairperson Crowell summarized the discussion as direction to staff to draft language for review by the board at a future meeting.

Member Furlong provided background information on the issues surrounding City employees responsible for overseeing the rules and regulations associated with liquor licenses being involved with owning establishments which primary nature is serving, selling, or dispensing alcohol. Chairperson Crowell entertained board member and public comments; however, none were forthcoming. He requested staff to draft language to preclude employees responsible for enforcement of liquor license regulations from owning liquor establishments. In response to a question, Member Furlong advised that Jimmy G's Cigar Bar is owned and operated by Mrs. Melvin, who is married to a Sheriff's Department lieutenant. "That's when we first became aware of this conflict. Lieutenant Melvin is not in a position within the corporation ..., he's not on the liquor license, and as a result of that and some considerable conversation, we all agreed that there should be some rules governing that." Member Furlong advised that there are no current establishments which would violate the provisions of the proposed ordinance amendment.

Detective Dan Gonzales distributed informational materials on the Responsible Vendor Program and the Pacific Institute for Research and Evaluation to the board members and the Clerk, and reviewed the same. Discussion followed regarding the importance of positive enforcement. Detective Gonzales responded to questions of clarification relative to the program elements, program fees, and tracking new employees' participation in alcohol server training. In response to a further question, he discussed a portion of the Sheriff's Office alcohol server training program which addresses impairment. At Member Abowd's suggestion, he agreed that consideration should be given to amending the training program to address drugs which can be added to alcoholic beverages.

Mr. Munn discussed statutory provisions relative to fines, and advised that the proposed ordinance amendment would have to comply with existing statutes. In response to a question, he advised that structure of the responsible vendor program would determine its designation as a board policy or as part of the ordinance. Detective Gonzales explained the process by which penalties would be imposed under the current ordinance structure. Member Furlong suggested that the ordinance "would note a program and that whatever is required to be in that code be there, but this program be a separate policy and the details of that policy are separate from the ordinance. ... that the ordinance allows for the program." Chairperson

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Crowell entertained public comment and, when none was forthcoming, summarized the discussion to direct staff to develop the program and discuss with the District Attorney the method by which to integrate it with the ordinance. Chairperson Crowell thanked Detective Gonzales for his presentation.

**14. ACTION TO ADJOURN LIQUOR AND ENTERTAINMENT BOARD** (9:53:24) - Chairperson Crowell adjourned the meeting at 9:53 a.m.

**15. RECONVENE BOARD OF SUPERVISORS** (9:53:28) - Mayor Crowell reconvened the Board of Supervisors and recessed the meeting at 9:53 a.m.

**ORDINANCES, RESOLUTIONS, AND OTHER ITEMS**

**16. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME** (10:05:46) - Mayor Crowell reconvened the Board of Supervisors meeting at 10:05 a.m. Please see the minutes for item 9-7.

**17. PUBLIC WORKS DEPARTMENT, BUSINESS LICENSE DIVISION - DISCUSSION ON PROPOSED MODIFICATIONS RELATING TO THE BUSINESS LICENSE ORDINANCE AND POSSIBLE DIRECTION TO STAFF TO BRING FORTH AMENDMENTS TO THE MUNICIPAL CODE** (10:11:28) - Mayor Crowell introduced this item, and Planning Division Director Lee Plemel reviewed the agenda materials. Discussion following regarding the criteria associated with requiring business licenses for special events. Mr. Munn provided background information on the origin of the subject ordinance, and advised that it is not enforced relative to First Amendment assemblies. Supervisor Aldean discussed the importance of including language relative to cost recovery, whenever possible, and suggested including language relative to prohibiting glass containers for special events. She further suggested considering discussion with State representatives regarding the possibility of entering into a memorandum of understanding which would lessen, for Carson City organizations, the complications associated with leasing State property for special events.

Mayor Crowell entertained public comment; however, none was forthcoming. He acknowledged comments relative to difficulties associated with special events. "The more we can do to streamline these things and still maintain the public safety ..." the better. Mayor Crowell entertained additional questions or comments; however, none were forthcoming.

**18. PARKS AND RECREATION DEPARTMENT, OPEN SPACE DIVISION - ACTION TO ACCEPT THE RECOMMENDATION OF THE OPEN SPACE ADVISORY COMMITTEE TO APPROVE THE OPEN SPACE DIVISION WORK PROGRAM OUTLINE CALLING FOR THE ADMINISTRATION OF THE OPEN SPACE PORTIONS OF THE QUALITY OF LIFE FUND FOR ACQUISITION, RESTORATION OF NATURAL RESOURCES, DEVELOPMENT, AND MANAGEMENT OF OPEN SPACE AND RELATED PROPERTIES FOR CALENDAR YEAR 2011** (10:21:32) - Mayor Crowell introduced this item, and Open Space / Property Manager Juan Guzman reviewed the agenda materials. Mayor Crowell inquired as to the hold up associated with the Bently property. Mr. Guzman explained that more environmental work is required, and described the hold up as "red tape ...; an incredible, complicated labyrinth of regulations to get the point where you can say the property is ready to close escrow."

In response to a question, Mr. Guzman explained the grant requirements associated with the Mexican Ditch trail extension on the Moffat property which have resulted in a delay of the project. Supervisor Aldean

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expressed an interest in annual maintenance costs associated with each of the open space acquisitions, and Mr. Guzman agreed to add a column accordingly. Supervisor Walt expressed an interest in the amount of Question #18 funding being allocated toward trail development. Supervisor McKenna expressed an interest in discussing the possibility of combining the Open Space Advisory Committee and the Carson River Advisory Committee with the Parks and Recreation Commission. "... it might be time to have a discussion on what committees do we need to manage this particular aspect of Carson City."

Mayor Crowell entertained public comment; however, none was forthcoming. He expressed appreciation for Mr. Guzman's and Parks and Recreation Department Director Roger Moellendorf's participation in the Escape from Prison Hill half marathon. He advised of a group in Carson City which is developing a bike and foot race, called Cirque Du Carson, a 36-mile relay around Carson City through the hills. He further advised of having been informed by a Muscle Powered representative that Carson City received an honorable mention on the bicycle friendly community application. The Board members thanked Mr. Guzman for his presentation. Mayor Crowell entertained a motion. **Supervisor Aldean moved to accept the recommendation of the Open Space Advisory Committee to approve the Open Space Division work program outline calling for the administration of the open space portions of the Quality of Life fund for acquisition, restoration of natural resources, development, and the management of open space and related properties for calendar year 2011. Supervisor Abowd seconded the motion. Motion carried 5-0.**

### **19. PUBLIC WORKS DEPARTMENT, PLANNING AND ZONING DIVISION**

**19(A) ACTION TO ADOPT BILL NO. 103, ON SECOND READING, AN ORDINANCE TO CHANGE THE ZONING OF TWO PARCELS OF APPROXIMATELY 3.81 ACRES, APNs 007-531-05 AND 007-531-06, FROM SINGLE FAMILY ONE ACRE (SF1A) TO RETAIL COMMERCIAL (RC) (ZMA-11-015) (10:38:59)** - Mayor Crowell introduced this item, and Planning Division Director Lee Plemel reviewed the agenda materials. He advised of having received no additional comments since introduction of the ordinance on first reading. In response to Supervisor McKenna's question at the April 21<sup>st</sup> meeting, Mr. Plemel advised that a family member is currently living in the structure; however, it is not a long-term plan to remain. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to adopt Bill No. 103, on second reading, Ordinance No. 2011-3, an ordinance to change the zoning of two parcels of approximately 3.81 acres, APNs 007-531-05 and -06, from single-family one-acre to retail commercial, based on the findings contained in the staff report. Supervisor Aldean seconded the motion. Motion carried 5-0.**

**19(B) ACTION TO ADOPT BILL NO. 104, ON SECOND READING, AN ORDINANCE TO CHANGE THE ZONING OF THREE PARCELS OF APPROXIMATELY 6.6 ACRES, APNs 009-551-03, 009-551-08, AND 009-551-31, LOCATED AT 788 AND 900 FAIRVIEW DRIVE AND 900 MALLORY WAY, FROM LIMITED INDUSTRIAL (LI) TO GENERAL COMMERCIAL (GC) (ZMA-11-013) (10:40:56)** - Mayor Crowell introduced this item, and Mr. Plemel reviewed the agenda materials. Mayor Crowell entertained comments from the applicant and, when none were forthcoming, public comments.

(10:42:32) Gary Sheerin advised that his tenants still have concerns over increased traffic, vandalism, and loitering. He discussed serious concerns over the proposal for the Silver State Charter School and the City to enter into joint use agreements "for portions of this land." He clarified "there is a theater in one of the buildings, ... there's a basketball court in another building, and ... there's a field that's vacant." He expressed support for the Silver State Charter School using the theater, the basketball courts and the sports field, but opposition to the public utilizing these amenities. In reference to statements throughout the

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agenda materials relative to “new programs for the community’s adult and youth population,” he expressed the opinion that “that insert into this project is just too much for the tenants to have to maintain and put up with.” Mr. Sheerin expressed concern over the industrial tenants being subjected to more vandalism, and requested the Board to consider the tenants who “have been there for many, many years” with “expensive equipment and they create jobs in the community.” He acknowledged that the special use permit is conditioned upon approval of the zoning map amendment, but suggested “as we’re standing here, you still have power over that special use permit and you can still add conditions to that special use permit.” In response to a question, Mr. Munn advised that the Planning Commission’s approval of the special use permit was not appealed “so it exists now ...” Mr. Sheerin suggested that the conditions could still be applied to the zoning map amendment. In response to a question, Mr. Sheerin requested that the Board prohibit any joint use agreement between the City and the Silver State Charter School. He reiterated the request for the Board to consider the tenants.

Mr. Sheerin acknowledged no opposition to the Silver State Charter School, but to the consideration of joint use agreements. Supervisor Aldean advised that the Board has control over whether or not to enter into a joint use agreement with the Silver State Charter School. She expressed the opinion that the Silver State Charter School suggested joint use agreements “as a way to make the project a little more attractive,” and “that is less critical than allowing the school to be built and giving students another alternative.” She advised that she would not necessarily support a joint use agreement in connection with the project. Mayor Crowell concurred. In response to a question, Mr. Plemel advised that the special use permit conditions of approval do not include a joint use agreement. In response to a question, Mr. Sheerin advised of no desire to change the current industrial zoning designation.

(10:50:44) Sierra Control Systems President Jerry Kelly advised that he has been a tenant for 30 years on Mallory Way in three different locations. He expressed opposition to the zoning map amendment application in consideration of the owners having “invested their money with the understanding that certain type of businesses would be conducted there.” He expressed the opinion that changing the zoning “at this point” would represent a “breach of faith” on the part of the City. He discussed concerns over safety issues associated with “put[ting] a school on a cul-de-sac.” He circulated among the Board members photographs of a fire at the 900 Mallory Way building during which he was precluded from leaving. He expressed concerns over a school “with a number of students in the same situation.” He expressed no opposition to the school as a neighbor, but reiterated concern over “severe issues that need to be looked at.” He reiterated opposition to the zoning map amendment “because we’re creating an island within an area that is zoned for the type of businesses that have been there for quite some time.” Supervisor Abowd advised that a Fairview Drive access will be created so that Mallory Way will no longer be a cul-de-sac. Mr. Kelly expressed a different understanding. In response to a question, he agreed that the area is in transition. He advised that his company makes electronic control systems and that “we’ve even changed our tenor from manufacture to more service-oriented, yet we still have a fleet of seven vehicles, we have people go out and do work. Every day we use the road. I think we could be a good neighbor with the school, but I think the City has to really address the traffic issue ... from a safety standpoint as much as just a convenience standpoint.”

(10:57:34) Joanne Sheerin congratulated the new Supervisors, and discussed concerns over the condition of Mallory Way. She suggested imposing a condition of occupancy to bring the road into compliance with City Codes “with curbs, gutters, crosswalks, perhaps widening it so that there’s fully two complete lanes for these large trucks and for fire trucks that would possibly have to go in at some point.” She agreed that the Fairview Drive access is “just through a ... parking lot. That’s not a road ... that our tenants’ trucks could go on and get out.” She suggested that another road to the Mallory Way cul-de-sac would “solve a

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number of problems.” Supervisor Aldean discussed the Silver State Charter School’s offer to assist with rehabilitating the asphalt. Ms. Sheerin expressed the opinion that “all of the owners of property along Mallory Way have been mindful of the condition of the road, but nothing has been done. And we have requested that something be done. We have agreed to pay our share of the complete improvement of that road.” Ms. Sheerin reiterated the opinion that “it should be a condition of occupancy.” Supervisor Aldean suggested that the Silver State Charter School project may be “catalytic to actually getting some repair work performed on Mallory Way.”

(11:02:03) Jack Oakes advised of having moved to Smith Valley from Carson City about 25 years ago, and that he built the first buildings in the subject location. He provided historic information on the area as the “original industrial park in Carson City in 1963.” He acknowledged the description of the area as “in transition,” but suggested “the transition should be a business transition.” He further suggested considering the area should be transitioned more “into a business park area and less into an industrial park.” He expressed the opinion that “dividing this park in half for the school” is a bad idea. He discussed his investment in the property, as an owner, and suggested there are better locations for the school. In response to a question, Mr. Oakes expressed the opinion that “anything you bring in there should compliment what is there now. It should actually help whatever is existing … rather than hinder it.”

Mayor Crowell entertained additional public comment and, when none was forthcoming, requested Mr. Sheerin to return to the podium. Mr. Sheerin acknowledged the potential synergy between the Silver State Charter School and the businesses along Mallory Way. Discussion followed and, in response to a further question, Mr. Sheerin advised that “the use that the other property is put to could definitely hurt us and our tenants.”

(11:13:17) Jack Oakes related anecdotal information regarding a charter school in Borrego Springs, California. He suggested that “having a big campus might not be necessary for this school.” Discussion took place regarding the Silver State Charter School expansion plans.

At Supervisor Abowd’s request, Mark Palmer, of Palmer Engineering, provided background information on the subject area and on the charter school project. He discussed meetings with the property owners and school operations. He advised that one of the special use permit conditions of approval is to conduct a future traffic study in consideration of direct access to and from Fairview Drive. “We just don’t believe right now is the best time.” Mr. Palmer advised that the current cost estimate for road improvements is \$300,000. In response to a question, he advised of previous conversations regarding an emergency access across the parking lot in favor of the other Mallory Way property owners. “Right now, we have a joint use access on the west side of the school that is not gated that goes out to Fairview that anybody could use in emergency circumstances.” Mr. Palmer acknowledged access is not gated on Fairview. “Right now, it’s a one-way access in … and we’re looking at a one-way access out.” Mr. Palmer anticipates the conversations will continue “because there are advantages to having both a right-in and a right-out … both for emergency uses and for access uses.” He explained the difficulty associated with allowing access across the campus in that there are existing gates and will be additional gates “because we don’t want students ‘wandering off campus.’” Discussion took place regarding emergency management of traffic, and Mr. Palmer assured the Board that the school will not object to egress onto Fairview Drive. “That’s not the issue. It’s what … the emergency situation is …” Mr. Palmer acknowledged that the Silver State Charter School is dedicated to contributing to roadway improvements and continued maintenance even if the other users don’t participate.

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Mayor Crowell entertained additional public comment. (11:28:04) Gary Sheerin advised of having contributed to patching Mallory Way over the years. He suggested imposing a condition of approval that “Mallory Way should be finished somehow. Maybe not finished up to City standards but at least they have to finish Mallory Way to a standard that makes it usable and safe for the school and all the other tenants that are around there.” Discussion followed to clarify Mr. Sheerin’s suggestion. Supervisor McKenna inquired as to the method by which to rezone the property “so that it can be used or do we keep it exactly like it is forever or, if the road’s the problem, what’s your suggestion as to the wording so we could get your conditions into this rezoning and make everybody happy.” Mayor Crowell acknowledged the difficulties associated with not having all the parties present to negotiate a solution. In response to a question, Mr. Sheerin did not recall participating in the 2006 comprehensive master plan update. In response to Supervisor McKenna’s question, Mr. Sheerin requested “some kind of assurance that something is done to Mallory Way. Maybe you put the decision on hold until Mark [Palmer] and I and others can come back to you and say, ‘Yes, we have a plan. We’re going to do it.’ Then put your … zoning on.”

(11:34:48) Joanne Sheerin reiterated the suggestion to impose a condition of occupancy “that the road is fixed.” She inquired as to whether the City should “allow a school to be opened on that kind of a road.” Mayor Crowell reminded Ms. Sheerin that the road is private, and Ms. Sheerin reiterated the opinion that the school doesn’t belong in the proposed location.

Supervisor Aldean reiterated that the Silver State Charter School has an incentive to participate in improving the road, and that their representatives have stated, on the record, their intention to participate financially. She acknowledged the unfortunate oversight by the original property owners to fail to have every new property owner commit to participate in ongoing maintenance of Mallory Way. “But having those properties vacant or occupied by like businesses is not going to solve the problem either because it is not incumbent upon them to improve that road or to participate. And they may never come before this Board in search of a permit so we don’t have the opportunity to say, ‘… a condition of our approval is that you participate.’ We have an applicant here who has gone on the record as saying that they are willing to pay their fair share. I think that’s more than we’re likely to get from any other occupant of that building who continues to occupy it in a manner that’s consistent with the existing zoning.” Supervisor Aldean expressed a willingness to take the Silver State Charter Schools representatives at their word.

Mayor Crowell entertained additional public comment. (11:36:46) Silver State Charter Schools Principal Alan Staggs reviewed current operations with an enrollment of “a little over 500 students. … we only have about 15 percent of our student population on campus at a time.” With regard to the Mallory Way improvements, he reiterated a willingness to contribute “our fair share.” With regard to the possibility of a joint use agreement with the City, he expressed a reluctance to “see a lot of traffic on that road … once we put all this money into Mallory Way …” If a joint use agreement is entered into with the City, “we would close that gate against Mallory Way so that we could use the entrance to Governor’s Field and have that as the main entrance and exit for any events that took place on our property with the City. And so we would make sure that gate would be closed and locked against Mallory Way to … limit the amount of traffic and keep that road as pristine as we can for as long as we can.”

Mayor Crowell entertained additional public comment; however, none was forthcoming. He discussed the master plan designation of the area, and noted the Silver State Charter School’s commitment to install fences and participate in improving Mallory Way. He noted that the Board doesn’t have the power to require the street to be improved in accordance with the City Code. Supervisor Aldean expressed understanding for the concerns expressed at this meeting, and confidence that the school will do their best to be a good neighbor. She reiterated that any joint use agreement is required to be submitted to the Board

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for review and approval. She committed to the Mallory Way property owners that she would not vote in favor of a joint use agreement “unless it can be demonstrated that it’s ... not going to result in the further encumbering of that roadway ...” Supervisor McKenna noted that the buildings to be occupied by the Silver State Charter School “will still be a functioning unit but ... one side will be zoned one way and the one in the middle will be zoned a second way.” He expressed concern over “zoning half a building to be industrial and the other half of the building to be a hospital. We’re presented with one group saying they’ll do one thing; the other group saying ... they have to do something different and nobody’s really negotiated the whole deal and so we’re trying to pick out the middle of a deal and ... rezone that because it benefits these people but the other people on the other end are ... saying there’s problems with that.” He expressed a preference for the “whole thing [to have] come to us as a done deal or ... [for] the City [to] rezone the entire area. And that way, the tenants, the owners, the people that have invested money there for many years could actually get together and create a property that will be useful to all of them. But now I don’t know if anybody’s going to have a property that’s useful to anybody.”

Mayor Crowell entertained a motion. **Supervisor Aldean moved to adopt Bill No. 104, on second reading, Ordinance No. 2011-4, an ordinance to change the zoning of three parcels of approximately 6.6 acres, APNs 009-551-03, -08, and -31, located at 788 and 900 Fairview Drive and 900 Mallory Way, from limited industrial to general commercial based on the findings contained in the staff report. Supervisor Walt seconded the motion. Motion carried 4-1.**

**19(C) ACTION TO SELECT A PROPOSAL FROM A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) FOR THE CONSTRUCTION, SALE, AND MONITORING OF AN AFFORDABLE SINGLE-FAMILY RESIDENCE FOR A FAMILY WHOSE INCOME AT THE TIME OF APPLICATION FOR SUCH HOUSING DOES NOT EXCEED 80 PERCENT OF THE MEDIAN GROSS INCOME FOR FAMILIES IN CARSON CITY, ON CITY-OWNED PROPERTY, LOCATED AT 1104 PALO VERDE DRIVE, APN 004-141-05, AND TO DIRECT STAFF TO PREPARE AN AGREEMENT FOR THE BOARD OF SUPERVISORS BETWEEN THE CITY AND THE CHDO FOR THE CONVEYANCE OF THE PROPERTY, PURSUANT TO THE PROVISIONS OF NRS 244.287 (11:43:01) - Mayor Crowell introduced this item, and Mr. Plemel reviewed the agenda materials. Mayor Crowell entertained public comment; however, none was forthcoming.**

In consideration of staff’s recommendation, Supervisor Abowd inquired as to how the Community Development Block Grant funding would be affected relative to a delay in constructing the home. Mr. Plemel expressed the opinion that the overall action will assist in the City’s responsibility to further fair housing practices in general. With regard to the results required to be reported to the Department of Housing and Urban Development, he expressed a preference to get some projects done. Supervisor Aldean noted the Nevada Rural Housing, Inc.’s commitment to pay for all construction-related expenses “except for plan review, building permit fees, and sewer and water connection fees.” Mr. Plemel was uncertain as to the City’s ability to waive fees at the present time. Supervisor Aldean suggested that the Nevada Rural Housing, Inc. representative could respond further to the question. Mr. Plemel advised that the subject action was not the appropriate time to negotiate such things. “After this action, ... we come back and work out agreements between the parties.” Discussion followed.

(11:54:18) Nevada Rural Housing Authority (“NRHA”) Development Coordinator Lisa Dayton advised of the “intent to appeal to the City to further participate in the development of the affordable housing.” She further advised of difficulties associated with constructing a home for less than what homes in the neighborhood are currently selling for. She expressed an interest in participating in providing affordable

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housing, but noted the responsibility to protect the interests of Nevada Rural Housing, Inc. and “that the home is able to sell at a price point that is marketable for the area.” She acknowledged that the decision to move forward would be influenced by the City’s refusal to waive the previously-listed fees. “... only because our numbers were very close in terms of what we could construct the home for and what we’ve obligated ourselves to and so not having the information today in terms of how that would affect our budget, I would have to say that that would affect our willingness.” Mr. Plemel acknowledged the possibility of applying for CDBG funding to cover the fees which NRHA has indicated they cannot pay.

(11:56:48) Sierra Nevada Community Land Trust (“SNCLT”) Board of Directors President Gary Williams provided background information on his residence in northern Nevada and his past work experience. He commended the subject process and the Board for considering the proposal. He provided background information on the application included in the agenda materials. He expressed the opinion that both SNCLT and Western Nevada Home Consortium are “very qualified to take this project on.” He pointed out that the proposal originated with the SNCLT, and expressed a desire to complete the project. He advised that “our expertise ... is in single family ... home-owned residences.” He acknowledged that NRHA has a significant project portfolio, noting that “primarily, it seems like they’re in multi-residential families and rental units. ... But I think that they’re kind of getting started in community land trust, single-family home-owned residence also.” Mr. Williams expressed the opinion that “puts us in a situation where we should be on equal footing with them.” He advised that SNCLT representatives have participated in a number of meetings “and ... have noticed it’s very easy to call Nevada Rural Housing ... up here for advice and ask for suggestions.” He expressed the opinion “it’s time for a little competition here and we would love the opportunity to serve this area with this piece of property.” He assured the Board “we are ready to get started on this project. We recognize the difficulties as ... does NRHA with this piece of property in the economic market right now, but we’re basically eager and anxious to prove our viability to show you our commitment to families and to show you our commitment to make our community a better place.” He expressed an interest in working together “to create a project that can show our community what we have to offer.” He expressed the opinion that the subject lot “can start a lot of opportunities for citizens here.” He expressed a desire to “make it a flagship opportunity; an opportunity where we can demonstrate the power of concerned citizens, non-profit organizations, businesses, City government; how we can all work together to take this one piece of property ... and make a home available to somebody who otherwise might not be able to have that home.” He acknowledged the changing real estate market, but noted the importance of making home ownership available.

Mayor Crowell thanked Mr. Williams for his presentation, and requested him to discuss the SNCLT’s ability to monitor the project upon completion. Mr. Williams advised that the SNCLT “can monitor. We can offer classes in home ownership, in money management, in alcohol / drug abuse.” He noted one advantage of a community land trust is “the homeowner pays us a small fee for the use of the land for a 99-year period of time. If something is amiss in that family, the first thing that’s going to go is that lease payment. We have the opportunity ... to monitor the property and to monitor their performance with us and to step in and ... offer them assistance in whatever it might be.” In response to a further question, Mr. Williams advised that the SNCLT has been in existence for seven years. He provided background information on the SNCLT organizational structure, and committed to longevity as far as it depends upon him. Mayor Crowell commended the “healthy competition,” and Mr. Williams agreed.

Supervisor Aldean inquired as to SNCLT’s expectations with regard to waiving fees. Mr. Williams advised of the main goal to “get this house built and a family in it because we want to show the community what can be done with the cooperation and working together with government ...” He acknowledged the financial difficulties associated with constructing the home on the subject lot. “Whether the aid comes

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through HUD, through Western Nevada Home Consortium, or through our community in volunteers and donations, we want to do that, to make this home a viable project." He expressed the hope that "we'll come up with something that's going to work for everybody." He advised of funds available through the Western Nevada Home Consortium. In response to a further question, he estimated nine applicants "that we're going over and prequalifying and trying to get ready." He suggested "it only makes sense to have your ... approved applicant in hand as you start this process." In response to a further question, he offered to make the plans available for review by the Board members. In response to a further question, he advised that one of the SNCLT founders is a builder and "green building is his big thing right now." He noted "that's one of the things we want to prove and I think that's necessary for our homeowners."

Mayor Crowell entertained additional comment from Ms. Dayton. (12:12:33) Ms. Dayton expressed the opinion that "this is an excellent housing market for acquiring affordable properties. And ... really who you're trying to serve is probably the second buyer who comes along five years from now and the home's value ... the appreciation has been limited to a degree so that it didn't escalate in value as surrounding homes did. So, even though we're kind of targeting a buyer that could probably purchase ... an existing home on the street, we're really trying to build a home that will endure and appeal to probably the second buyer as well."

Mayor Crowell entertained public comment; however, none was forthcoming. Public Works Department Director Andy Burnham noted the qualifications of both housing agencies, and discussed the difficulty associated with the decision which led to staff's recommendation. "We erred ... on the idea of being a little conservative going with the NRHA because they've had more experience although ... there is something to be said for having another player in the game." Supervisor Aldean inquired as to a revision provision in the agreement if construction doesn't begin within a certain period of time. Mr. Plemel advised that such a provision is required pursuant to statute. He recalled the time period being five years. Supervisor Aldean inquired as to the possibility of requiring a completion bond. A brief discussion followed and Mr. Plemel agreed to look into the possibility.

Mayor Crowell entertained a motion. Supervisor Aldean expressed appreciation for the fact that there are two very qualified organizations which are willing to "do a good deed for our community." In consideration of the fact that the SNCLT originated the proposal, she expressed a preference for giving them the opportunity. **Supervisor Aldean moved to select a proposal from Sierra Nevada Community Land Trust for the construction, sale, and monitoring of a single-family residence on City-owned property, located at 1104 Palo Verde Drive, APN 004-141-05, and to direct staff to prepare an agreement for approval by the Board of Supervisors between the City and the Sierra Nevada Community Land Trust for the conveyance of the property, pursuant to the provisions of NRS 244.287. Supervisor Abowd seconded the motion. Motion carried 5-0.**

Mr. Burnham noted that the subject action represents the City's "first step into this realm as well and we're doing it with this one piece of property that's fairly limited ... but we do anticipate doing some additional properties that the City owns in a very similar fashion, little larger projects. So there will be other opportunities in the future as well." Supervisor Aldean commended the services to be offered by the SNCLT with respect to preparing the future owner of the home. Mayor Crowell thanked the representatives of both organizations for their attendance and participation.

**19(D) ACTION TO AUTHORIZE CARSON CITY TO BECOME THE LEAD AGENCY FOR THE WESTERN NEVADA HOME CONSORTIUM (WNHC) (12:18:19)** - Mayor Crowell introduced this item, and requested Mr. Plemel to address the associated work load and costs to the City.

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Supervisor Aldean advised of having researched the act which created the ability to form home consortiums, and that one of the requirements is that all of the consortium members be geographically contiguous. She inquired as to the required continuity with "Lyon County out of the picture."

(12:20:22) Following a brief discussion, Western Nevada Home Consortium Consultant Rex Massey advised that the City of Fernley creates the connection with Churchill County. In response to a further question, he advised that the City of Fernley borders Storey County.

In response to a question regarding Brown Street, Mr. Plemel suggested that the availability of future home funds may be affected "if the consortium goes away by lack of having a lead agency or for some other reason. There would be less total home funds in the state." In response to a further question, he reviewed the benefits of becoming the lead agency. In consideration of the work load, he advised that City Manager Larry Werner is supportive of becoming the lead agency. In response to a further question, he discussed liability associated with becoming the lead agency. In response to a further question, he advised that the lead agency commitment is for three years.

Supervisor Aldean reviewed background information on the last time Carson City served as lead agency and the reasons for resigning. She expressed concern over inadequate funding to cover the administrative costs, and noted that the City of Fernley had expressed a willingness to serve as lead agency. She recommended allowing the City of Fernley to serve as the lead agency in consideration of the City's "dwindling resources and reduction in staff."

(12:29:39) At Mr. Plemel's request, Mr. Massey reviewed the responsibilities associated with the lead agency work load and liability.

Supervisor Abowd expressed the opinion that "as the capital city, we need to take the initiative on this and that ... we should be the lead agency ..." She expressed the further opinion that, "moving forward, the need in our community, as was addressed earlier, for young people to ... be able to buy a home or families that have been laid off and strapped and that sort of thing, if it gives us just a slightly better advantage or more influence over that funding, ... it's important." In response to a question, Mr. Massey expressed the opinion that liability is not a big issue. "You have to do something grossly wrong, against the law, and in violation of those home rules to be pinned with some kind of liability." Mr. Massey expressed the opinion that liability should not be a concern going forward in consideration of funding projects and determining with whom to partner. In response to a further question, Mr. Massey reviewed the methods by which his contract is funded. Mr. Burnham advised that some of the general fund costs to the Planning Division will be offset by the administrative funding. He expressed the opinion that, from a staffing standpoint, the Building and Planning Divisions are "the least busy we have ever been. ... and so we have a little bit more staff capability than we have in the past. That might ameliorate a little bit of the concern on using up staff resources." Mr. Massey advised of approximately \$100,000 in available administrative funding. Additional funding has also been allocated from the Nevada Division of Housing when necessary.

(12:39:20) NRHA Real Estate Director Dave Craig provided background information on liability due back to HUD from the Western Nevada Home Consortium relative to the Brown Street property. "The reason why that's there is there was nothing in affordable housing to start construction within the 12-month period in which it was awarded. That was five or six years ago." Mr. Craig advised that a reprieve has been granted by HUD, with the condition that planning and construction is quickly implemented. He advised that the NRHA has sponsored a phase 1 environmental study and pre-planning. He further advised that NRHA is prepared "to go forward to put together a plan with an MOU in conjunction with the City ..." In

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response to a question, Mr. Massey advised that the home program is very similar to the CDBG “so the ... institutional capacity is already there to manage the home program funds.” He advised that the City of Fernley has never managed an entitlement program like CDBG. “That was the primary difference between the two entities.” Mr. Craig expressed the opinion that “things would go a little more smoothly if Carson City was the lead agency.”

Mr. Burnham acknowledged that general fund allocation will be associated with the lead agency responsibilities. “There will be a little bit of D.A.’s time in reviewing agreements just like they do now. Whether we can capture all that, I have no idea but we will offset certain costs that we have currently ... To the degree that we can contain all the other costs that might accrue, ... those are just going to be absorbed by the system that we have. To the degree that we can get reimbursed for some of that, we will, but we don’t expect to get reimbursed for every effort that we would provide as a part of this.” Discussion followed. In response to a question, Mr. Massey discussed the associated District Attorney’s Office responsibility. He responded to questions, and discussion took place regarding, the liability associated with the Brown Street property.

Mayor Crowell entertained a motion. **Supervisor McKenna moved to authorize Carson City to become the lead agency for the Western Nevada Home Consortium. Supervisor Abowd seconded the motion.** Mr. Munn noted that a resolution would be required relative to the interlocal agreement. Mr. Plemel advised that the interlocal agreement would be agendized for a near-future Board meeting. Supervisor Aldean advised that she would be voting against the motion in consideration of lingering concerns. Mayor Crowell called for public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 3-2.**

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

**STATUS REVIEW OF PROJECTS** (12:48:09) - None.

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

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

**STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS** (12:48:29) - None.

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

**RECESS AND RECONVENE BOARD OF SUPERVISORS** (12:48:32) - Mayor Crowell recessed the meeting for the lunch break at 12:49 p.m. and reconvened at 2:03 p.m. All members of the Board were present constituting a quorum.

#### **21. FIRE DEPARTMENT - DISCUSSION AND PRESENTATION ABOUT THE EMERGENCY MANAGEMENT FUNCTION IN CARSON CITY, EXPLAINING THE ROLE OF THE BOARD OF SUPERVISORS AND DESCRIBING THE NATIONAL INCIDENT MANAGEMENT SYSTEM AND THE VARIOUS COMPONENTS OF EMERGENCY MANAGEMENT** (2:03:23) - Mayor Crowell introduced this item and welcomed Jason Woodbury, a member of the Carson City Leadership Class. Fire Chief Stacey Giomi reviewed the agenda materials and narrated a PowerPoint presentation on

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the City's Emergency Management Plan, copies of which were included in the agenda materials. He responded to corresponding questions of clarification and associated discussion took place throughout the presentation. The Board members thanked Chief Giomi for his presentation.

**22. ACTION TO ADJOURN** (3:26:47) - Supervisor Aldean moved to adjourn the meeting at 3:26 p.m. Supervisor McKenna seconded the motion. Motion carried 5-0.

The Minutes of the May 5, 2011 Carson City Board of Supervisors meeting are so approved this 2<sup>nd</sup> day of June, 2011.

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ROBERT L. CROWELL, Mayor

ATTEST:

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ALAN GLOVER, Clerk - Recorder