

CARSON CITY BOARD OF SUPERVISORS

Minutes of the October 17, 2013 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, October 17, 2013 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Robert Crowell

Supervisor Karen Abowd, Ward 1

Supervisor Brad Bonkowski, Ward 2

Supervisor John McKenna, Ward 3

Supervisor Jim Shirk, Ward 4

STAFF: Larry Werner, 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

(8:30:04) - Mayor Crowell called the meeting to order at 8:30 a.m. Mr. Glover called the roll; a quorum was present. St. Peter's Episcopal Church Father Jeff Paul provided the invocation. At Mayor Crowell's request, Maurice White led the pledge of allegiance.

5. PUBLIC COMMENTS AND DISCUSSION (8:31:39) - Mayor Crowell entertained public comment and, when none was forthcoming, recognized members of the 2014 Carson City Chamber of Commerce Leadership Class who were present in the meeting room. At his request, Garret Lepire, Dr. Robert Whitcomb, Helen Barclay, and Nancy Paulson introduced themselves for the record. Mayor Crowell thanked the leadership class for their time commitment. He called again for public comment; however, none was forthcoming.

6. POSSIBLE ACTION ON APPROVAL OF MINUTES - June 20, 2013 and July 3, 2013

(8:33:19) - Supervisor Bonkowski moved to approve the minutes of June 20, 2013, as presented. The motion was seconded and carried unanimously. Supervisor Abowd moved to approve the minutes of July 3, 2013. Supervisor Bonkowski seconded the motion. Motion carried 5-0.

7. POSSIBLE ACTION TO ADOPT THE AGENDA (8:34:05) - Mayor Crowell entertained modifications to the agenda; however, none were forthcoming.

8. SPECIAL PRESENTATIONS OF LENGTH OF SERVICE AWARDS FOR CITY EMPLOYEES (8:34:26) - Mayor Crowell introduced this item, and requested the Board members to join him at the podium. Mayor Crowell presented certificates of appreciation to Water Production Operator Scott Collier, Storm / Sewer Technician Joshua Copp, and Youth Advisor James Lutu, and thanked them for five years' continuous service to the City. Mayor Crowell presented certificates of appreciation to Sergeant Daniel Gonzales and Sergeant J. Scott McDaniel, and thanked them for ten years' continuous service to the City. Mayor Crowell presented certificates of appreciation to Adult Service Librarian Susan Antipa, Judicial Clerk Tina Breuer, and Driver Operator Bryon Hunt, and thanked them for fifteen years'

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continuous service to the community. Mayor Crowell presented a certificate of appreciation to Assistant Sheriff Ray Saylo, and commended him for 35 years' continuous service to the community. The Board members, City staff, and citizens present applauded.

9. CONSENT AGENDA (8:41:10) - Mayor Crowell advised of having been requested to separately hear items 9-2 and 9-4. He entertained requests to hear additional items separate from the consent agenda and, when none were forthcoming, a motion. **Supervisor McKenna moved to approve the consent agenda, consisting of one item from Finance and one item from the City Manager.** Supervisor Bonkowski seconded the motion. Motion carried 5-0.

9-1. FINANCE DEPARTMENT - POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES, THROUGH OCTOBER 8, 2013, PURSUANT TO NRS 251.030 AND NRS 354.290

9-2. PURCHASING AND CONTRACTS - POSSIBLE 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 \$7,213.84, FOR CONTRACT NO. 1213-184, TITLED, "CARSON CITY SENIOR CENTER FLOOR REPLACEMENT PROJECT," TO TRUCKEE MEADOWS CONSTRUCTION, INC. (8:47:39) - Mayor Crowell introduced this item, and Purchasing and Contracts Manager Kim Belt reviewed the agenda materials. In response to a question, Assistant Project Manager Darren Anderson explained the purpose for the change order. He responded to corresponding questions of clarification. He acknowledged that staff was aware of the "extra effort that was coming about to complete the project." Ms. Belt acknowledged that the contract is limited by the contingency amount. Any amount over the contingency amount would require a contract amendment. Mr. Werner explained difficulties associated with remodel projects in that "you never know ... what's underneath ... We do the best we can ... trying to spec it out and that's what the contractor bids on. And when you start opening it up and find out that's not what was there, that's where the extra effort comes in. You can't expect the contractor to bid on something that none of us were aware of so then that's when we sit down and negotiate with the contractor, determine what the costs are, keep records of the extra hours spent. ... it's not simply granting them money. There's actual detailed evaluation as you go through it. We write it up pretty simply, but the work involved is more than that. You just can't come in and say, 'This is extra work. I want more money.' That doesn't happen. It's a long, detailed process." Mr. Anderson confirmed that the "write up was very brief compared to the analysis and what was dealt with between [staff] and the contractor as far as time and material and extra effort that was put into it."

Mayor Crowell entertained additional questions or comments of the Board members and, when none were forthcoming, public comment. When no public comment was forthcoming, he entertained a motion. **Supervisor Abowd moved 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 \$7,213.84 for Contract No. 1213-184, titled "Carson City Senior Center Floor Replacement Project," to Truckee Meadows Construction, Inc.** Supervisor McKenna seconded the motion. Motion carried 5-0.

9-3. CITY MANAGER - POSSIBLE ACTION TO RATIFY THE APPROVAL OF BILLS AND OTHER REQUESTS FOR PAYMENTS BY THE CITY MANAGER, FOR THE PERIOD OF SEPTEMBER 10, 2013 THROUGH OCTOBER 7, 2013

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9-4. DISTRICT ATTORNEY - POSSIBLE ACTION TO APPROVE, PURSUANT TO SECTION 3.070(3) OF THE CITY CHARTER, CONTRACT AMENDMENT #2 TO EXTEND THE TERM OF THE CONTRACT, UNTIL OCTOBER 17, 2013, FOR THE INDEPENDENT CONTRACTOR AGREEMENT FIRST APPROVED BY THE BOARD ON AUGUST 17, 2011, AND SUBSEQUENTLY AMENDED ON OCTOBER 4, 2012, FOR ONGOING WATER RIGHTS MATTERS, BETWEEN THE DISTRICT ATTORNEY AND THE LAW FIRM OF TAGGART & TAGGART, LTD., FOR SPECIAL DEPUTY DISTRICT ATTORNEY SERVICES, ON AN HOURLY BASIS, PRIMARILY FOR CONTRACT MATTERS INVOLVING WATER RIGHTS AND RELATED MATTERS (8:55:44) - Mayor Crowell introduced this item. Mr. Munn provided background information and reviewed the agenda materials. He and Public Works Department Director Andy Burnham responded to questions of clarification regarding the provisions of subject amendment. Supervisor Bonkowski pointed out necessary typographical corrections.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to approve, pursuant to Section 3.070(3) of the City Charter, Contract Amendment No. 2 to extend the term of the contract until October 17, 2015 for the independent contractor agreement first approved by the Board on August 17, 2011, and subsequently amended on October 4, 2012, for ongoing water rights matters, between the District Attorney and the law firm of Taggart & Taggart, Ltd., for special deputy district attorney services on an hourly basis, primarily for contract matters involving water rights and related matters.** Supervisor Abowd seconded the motion. Motion carried 5-0.

10. RECESS BOARD OF SUPERVISORS (8:41:55) - Mayor Crowell recessed the Board of Supervisors at 8:41 a.m.

LIQUOR AND ENTERTAINMENT BOARD

11. CALL TO ORDER AND ROLL CALL (8:41:57) - Chairperson Crowell called the Liquor and Entertainment Board to order at 8:41 a.m., noting the presence of a quorum, including Member Ken Furlong.

12. POSSIBLE ACTION ON APPROVAL OF MINUTES - May 2, 2013; June 6, 2013; and June 20, 2013 (8:42:09) - Member Bonkowski moved to approve the minutes of May 2, 2013, as presented. Member McKenna seconded the motion. Motion carried 6-0. Member Bonkowski moved to approve the minutes of June 6, 2013, as presented. Member Abowd seconded the motion. Motion carried 6-0. Member Bonkowski moved to approve the minutes of June 20, 2013, as presented. Member McKenna seconded the motion. Motion carried 6-0.

13. COMMUNITY DEVELOPMENT DEPARTMENT, BUSINESS LICENSE DIVISION - POSSIBLE ACTION TO APPROVE CELIA POSADA, AS THE LIQUOR MANAGER FOR SUN VALLEY SMOKE SHOP, INC., DBA CIGARETTES FOR LESS, LIQUOR LICENSE NUMBER 14-29790, LOCATED AT 2182 EAST WILLIAM STREET (8:43:18) - Chairperson Crowell introduced this item. Senior Business License Technician Lena Reseck reviewed the agenda materials, noting staff's recommendation of approval. (8:44:10) Celia Posada introduced herself for the record. (8:44:20) Adrian Posada introduced himself for the record, advised that he is Celia's son and serves as corporate secretary of Sun Valley Smoke Shop, Inc. In response to a question, Mr.

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Posada discussed plans for the Cigarettes for Less business. In response to a further question, he advised of plans to secure appropriate training and to require identification from "everybody that looks under a certain age." He advised of never having violated the law by selling cigarettes or alcohol to a minor. He acknowledged plans to sell electronic cigarettes.

Chairperson Crowell entertained additional questions or comments of the board members and, when none were forthcoming, public comments. When no public comments were forthcoming, he entertained a motion. **Member Bonkowski moved to approve Celia Posada as the liquor manager for Sun Valley Smoke Shop, Inc. dba Cigarettes for Less, liquor license number 14-29790, located at 2182 East William Street. Member Abowd seconded the motion. Motion carried 6-0.** Mr. Posada thanked the board, and Chairperson Crowell encouraged them to "keep up the good track record on not selling to minors."

14. PUBLIC COMMENT (8:47:07) - Chairperson Crowell entertained public comment; however, none was forthcoming.

15. ACTION TO ADJOURN LIQUOR AND ENTERTAINMENT BOARD (8:47:18) - Chairperson Crowell adjourned the Liquor and Entertainment Board at 8:47 a.m.

16. RECONVENE BOARD OF SUPERVISORS (8:47:20) - Mayor Crowell reconvened the Board of Supervisors at 8:47 a.m.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

17. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (8:47:28) - Please see the minutes for items 9-2 and 9-4.

18. COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

18(A) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 17, DIVISION OF LAND AT CHAPTER 17.08, DEVELOPMENT AGREEMENTS, BY ADDING SECTION 17.08.011, AGREEMENT FEES AND SERVICE CHARGES, AND OTHER MATTERS PROPERLY RELATED THERETO (ZCA-13-049); and 18(B) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING AT CHAPTER 18.02, ADMINISTRATIVE PROVISIONS, SECTION 18.02.055, FEES AND SERVICE CHARGES, TO ADD FEES FOR PROCESSING A DEVELOPMENT AGREEMENT, A DEVELOPMENT AGREEMENT AMENDMENT, A MODIFICATION TO A ZONING OR DIVISION OF LAND APPROVAL, AN ADMINISTRATIVE TIME EXTENSION, AND A PUBLIC HEARING TIME EXTENSION; TYPOGRAPHICAL CORRECTIONS, AND OTHER MATTERS PROPERLY RELATED THERETO (ZCA-13-049) (9:00:32) - Mayor Crowell introduced this item and, at the request of Planning Manager Susan Dorr Pansky, combined items 18(A) and (B). Ms. Dorr Pansky provided background information and reviewed the agenda materials.

At Supervisor Bonkowski's request, Builders Association of Western Nevada Executive Officer Sheena Shrum approached the podium. In response to a question, Ms. Shrum provided an overview of the BAWN Board's discussion of the subject items. "When we had a board discussion about this, the crux of the conversation was, 'We want to pay our fair share,' and this is a common fee that we pay in other

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jurisdictions. We felt that what [Mr. Plemel] had put in line with the amount was acceptable ... It's not going to impact too many folks because it is, generally, a development fee and we only have five development agreements in place right now in the City. ... we want to be good stewards as well and so we want to accept this."

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to introduce, on first reading, Bill No. 125, an ordinance amending the Carson City Municipal Code, Title 17, Division of Land, at Chapter 17.08, Development Agreements, by adding Section 17.08.011, Agreement Fees and Service Charges, and other matters properly related thereto. Supervisor McKenna seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Bonkowski expressed the opinion that "this is just additional work on the part of the developer." He expressed the belief that the fees "really [don't] make a difference on the City side of things," and advised that he would not support the motion. **Motion carried 4-1.**

Mayor Crowell entertained a motion for item 18(B). **Supervisor Abowd moved to introduce, on first reading, Bill No. 126, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, at Chapter 18.02, Administrative Provisions, Section 18.02.055, Fees and Service Charges, to add fees for processing a Development Agreement, a Development Agreement Amendment, a Modification to a Zoning or Division of Land Approval, an Administrative Time Extension, and a Public Hearing Time Extension; typographical corrections, and other matters properly related thereto. Supervisor McKenna seconded the motion.** Mayor Crowell entertained discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 4-1.**

19. PUBLIC WORKS DEPARTMENT - POSSIBLE ACTION TO ADOPT A RESOLUTION ADOPTING THE CARSON RIVER WATERSHED REGIONAL FLOODPLAIN MANAGEMENT PLAN SUPPLEMENTAL UPDATE, SUBMITTED BY THE CARSON WATER SUBCONSERVANCY DISTRICT (9:05:35) - Mayor Crowell introduced this item and, at the request of Floodplain Manager Robb Fellows, recessed the meeting at 9:05 a.m. Mayor Crowell reconvened the meeting at 9:15 a.m.

(9:15:28) Brenda Hunt, of the Carson Water Subconservancy District ("CWSD"), narrated a PowerPoint presentation of the Regional Floodplain Management Plan, copies of which were included in the agenda materials. She and Mr. Fellows responded to questions of clarification regarding the role of the CWSD; information available via the City's floodplain hotline and website and FEMA's website.

Mayor Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comments. When no public comments were forthcoming, he thanked Ms. Hunt for her presentation and entertained a motion. Supervisor McKenna advised that CWSD Executive Director Ed James was replacing a valve on a dam in Alpine County. **Supervisor McKenna moved to adopt the Carson River Watershed Regional Floodplain Management Plan Update, submitted by the Carson Water Subconservancy District, Resolution No. 2013-R-40.** Supervisor Bonkowski seconded the motion. **Motion carried 5-0.**

**20. BOARD OF SUPERVISORS NON-ACTION ITEMS:
STATUS REVIEW OF PROJECTS**

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INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (9:26:20) -

Supervisor Abowd reported on yesterday's annual Clock and Carillon Committee meeting, a recent meeting of the NevadaWorks Board, and yesterday's tour of the Milk Plant in Fallon, courtesy of the CWSD. Mayor Crowell announced that a joint meeting of the Board and the School Board will be scheduled for 6:00 p.m. on November 13th, to discuss the community's involvement in "Race to the Top" issues. Mayor Crowell announced that Supervisor McKenna had been appointed by the NACo Board to the SB 391 study committee. He discussed the purpose of the study committee, and provided background information on SB 391.

STAFF COMMENTS AND STATUS REPORTS

21. PUBLIC COMMENTS (9:29:59) - Mayor Crowell entertained public comment; however, none was forthcoming.

22. ACTION TO ADJOURN (9:30:33) - Mayor Crowell adjourned the meeting at 9:30 a.m.

The Minutes of the October 17, 2013 Carson City Board of Supervisors meeting are so approved this 2nd day of January, 2014.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder