

CARSON CITY BOARD OF SUPERVISORS

Minutes of the November 17, 2016 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, November 17, 2016 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 Lori Bagwell, Ward 3
Supervisor Jim Shirk, Ward 4

STAFF: Nick Marano, City Manager
Sue Merriwether, Clerk - Recorder
Adriana Fralick, Chief Deputy District Attorney
Kathleen King, Chief Deputy Clerk

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 Recording Secretaries Division of the Carson City Clerk's Office, during regular business hours.

1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:31:33) - Mayor Crowell called the meeting to order at 8:31 a.m. Ms. Merriwether called the roll; a quorum was present. In the absence of Good Shepherd Wesleyan Church Pastor Nick Emery, Mayor Crowell requested a moment of silence. At Mayor Crowell's request, Andrea Engleman led the pledge of allegiance.

5. PUBLIC COMMENT (8:32:56) - Mayor Crowell entertained public comment. (8:33:05) A female speaker advised that she would speak anonymously "due to the retaliation we survivors of domestic violence are receiving by law enforcement and the courts." She stated, "In the 1990s, the State of Nevada was funded by the federal government, under the Violence Against Women Act. The money that came to the State of Nevada went to put persons in courthouses up and down the state to assist us survivors of domestic violence in legal issues. These persons that were staffed in the courthouses were not trained legally. They had no legal education and they had no experience legally. As a result, numerous errors started occurring in cases involving survivors of domestic violence. The problem became so big that, on June 3, 2010, the Supreme Court got involved. At that time, the Chief Justice of the Supreme Court was James Hardesty and he held a meeting; Carson City was represented. All of the cities throughout the State of Nevada were represented and testimony was given by an official of an organization called NACE, the Nevada Association of Court Executives. This official, with that association, is an attorney by the name of Joseph Tomasino, and he gave testimony that the courts were destroying child abuse evidence. There was also overwhelming testimony ... written and oral, from litigants in the court system, that their evidence was being destroyed, including child abuse evidence."

Mayor Crowell advised that the District Attorney and others have reviewed Carson City's procedures and have "not found any issue there." The anonymous female speaker stated, "The Charter for Carson City does not include language that is being passed by the legislature in other communities. The reason this should concern Carson City is because, once it gets passed, it's easy for the legislature to pass other communities. So this is language that I would recommend that the City begin investigating."

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(8:36:28) Don Leonard advised that a section of the east wing of the Senior Center “was cordoned off so people who use that section could no longer go there. The offices that are there are still open on that south side of that east wing.” Mr. Leonard requested that the problem be addressed. Mayor Crowell assured Mr. Leonard “we are all on top of that one in a big way ...” He acknowledged the serious issue and advised that it is being addressed.

(8:38:12) Hope Tingle congratulated Mayor Crowell, Supervisor Bonkowski, and Supervisor-elect John Barrette. Ms. Tingle read a prepared statement into the record reminding the Board members “that, as elected officials, you are public servants.” Mayor Crowell entertained additional public comment; however, none was forthcoming.

6. POSSIBLE ACTION ON APPROVAL OF MINUTES - October 20, 2016 (8:41:55) - Mayor Crowell introduced this item, and entertained suggested revisions to the minutes. When no suggested revisions were forthcoming, Mayor Crowell entertained a motion. Supervisor Bonkowski moved to approve the minutes, with a previously-submitted correction. Supervisor Bagwell seconded the motion. Motion carried 5-0.

7. POSSIBLE ACTION ON ADOPTION OF AGENDA (8:42:19) - Mayor Crowell entertained modifications to the agenda and, when none were forthcoming, deemed it adopted, as published.

8. SPECIAL PRESENTATIONS OF LENGTH OF SERVICE CERTIFICATES TO CITY EMPLOYEES (8:42:32) - Mayor Crowell introduced this item and, at his request, the Board members moved to the meeting floor. (8:43:05) Mayor Crowell presented a Longevity Award to Document Control Specialist Jennifer Churchward in recognition of five years' continuous and dedicated service to Carson City. Mayor Crowell presented Longevity Awards to Detention Shift Supervisor Frank Mournighan, Sheriff's Deputy T.J. Boggan, Sheriff's Deputy Craig Erven, and Sheriff's Deputy Uriel Collazo in recognition of ten years' continuous, dedicated service to Carson City. Mayor Crowell presented a Longevity Award to IT Project Leader Scott Royal in recognition of twenty years' continuous, dedicated service to Carson City. The Board members, City staff, and citizens present applauded each of the honorees.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

9. PURCHASING AND CONTRACTS - POSSIBLE ACTION TO APPROVE THE PURCHASE OF A CATERPILLAR C15 GENERATOR AND TRANSFER SWITCH FROM CASHMAN POWER SOLUTIONS, THROUGH NATIONAL JOINT POWERS ALLIANCE (“NJPA”) JOINDER #080613, FOR AN AMOUNT OF \$110,970.04, TO BE FUNDED FROM THE GRANT FUND CAPITAL PROJECTS (MAC GENERATOR PROJECT) ACCOUNT (8:49:59) - Mayor Crowell introduced this item. Fire Chief Bob Schreihans reviewed the agenda materials, and responded to questions of clarification. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. Supervisor Abowd moved to approve the purchase of a Caterpillar c15 generator and transfer switch, from Cashman Power Solutions through National Joint Powers Alliance, joinder #080613, for an amount of \$110,970.04, to be funded from the grant fund capital projects (MAC Generator Project) account. Supervisor Bonkowski seconded the motion. Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Brad Bonkowski
AYES:	Supervisors Abowd, Bonkowski, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

10. FIRE DEPARTMENT

10(A) POSSIBLE ACTION TO AUTHORIZE CARSON CITY TO ACCEPT A GRANT AWARD, IN THE AMOUNT OF \$102,389.00 FROM THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT, THROUGH THE BUREAU OF LAND MANAGEMENT - CARSON CITY WESTSIDE HAZARDOUS FUELS COLLECTION PROJECT (8:52:40) - Mayor Crowell introduced this item. Fire Chief Bob Schreihans introduced Wildland Fuels Management Officer Rodd Rummell, and reviewed the agenda materials. Mayor Crowell entertained questions or comments of the Board members and of the public and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to authorize Carson City to accept a grant award, in the amount of \$102,389.00, from the Southern Nevada Public Lands Management Act, through the Bureau of Land Management, for the Carson City Westside Hazardous Fuels Collection Project. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

10(B) POSSIBLE ACTION TO AUTHORIZE CARSON CITY TO ACCEPT A GRANT AWARD, IN THE AMOUNT OF \$1,999,900.00 FROM THE SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT, THROUGH THE BUREAU OF LAND MANAGEMENT - CARSON CITY WESTSIDE HAZARDOUS FUELS REDUCTION PROJECT (8:54:45) - Mayor Crowell introduced this item. Fire Chief Bob Schreihans reviewed the agenda materials, discussed management practices to ensure the safety of the community, and responded to questions of clarification. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to authorize Carson City to accept a grant award, in the amount of \$1,999,900.00, from the Southern Nevada Public Lands Management Act, through the Bureau of Land Management, for the Carson City Westside Hazardous Fuels Reduction Project. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

10(C) POSSIBLE ACTION TO AUTHORIZE THE CARSON CITY FIRE DEPARTMENT TO APPLY FOR AN ASSISTANCE TO FIREFIGHTERS GRANT, THROUGH FEMA, IN THE AMOUNT OF \$325,300.34, TO PURCHASE 89 P-25 COMPLIANT APX 6000 VHF MODEL 2.5 RADIOS (8:59:19) - Mayor Crowell introduced this item. Fire Chief Bob Schreihans reviewed the agenda materials, and responded to questions of clarification regarding the ten percent match requirement. In response to a comment, Chief Schreihans commended Wildland Fuels Management Officer Rodd Rummel and other Fire Department personnel on the number of grants acquired and managed over the last several years. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bagwell moved to authorize the Carson City Fire Department to apply for an Assistance to Firefighters Grant, through FEMA, in an amount not to exceed \$325,000, to purchase compliant radios. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion. Chief Schreihans responded to a question of clarification regarding the not-to-exceed amount. Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Lori Bagwell
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bagwell, Abowd, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

11. PUBLIC WORKS DEPARTMENT

11(A) POSSIBLE ACTION TO ACCEPT THE REPORT FROM THE UTILITY FINANCE OVERSIGHT COMMITTEE CHAIR, AND ADOPT A RESOLUTION WHICH AMENDS RESOLUTION 2013-R-45A, FORMALLY ESTABLISHING THE CARSON CITY UTILITY FINANCE OVERSIGHT COMMITTEE (9:04:21) - Mayor Crowell introduced this item, and recognized Utility Finance Oversight Committee Chair Andrea Engleman. Ms. Engleman introduced Utility Finance Oversight Committee Member Mike Spell, and provided a brief background on his experience. Ms. Engleman provided background information on the subject agenda item, and reviewed the agenda materials. Mr. Spell provided additional clarification relative to the language of paragraph 3(a) of the proposed resolution. Ms. Engleman acknowledged that the stormwater utility is included in the purview of the Utility Finance Oversight Committee. Discussion followed, and Supervisors Bagwell and Abowd thanked the Utility Finance Oversight Committee.

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Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to accept the report from the Utility Finance Oversight Committee Chair, and adopt Resolution No. 2016-R-27, which amends Resolution 2013-R-45A, formally establishing the Carson City Utility Finance Oversight Committee. Supervisor Abowd seconded the motion.** Supervisor Shirk discussed the reasons he would vote in favor of the motion. Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

11(B) INFORMATION ONLY TO INFORM THE BOARD ON THE ACTIVITIES OF THE TRANSPORTATION ADVISORY FORUM OF CARSON CITY (“TRAFCC”) (9:14:47) - Mayor Crowell introduced this item, and Transportation Manager Patrick Pittenger narrated a SlideShow presentation which was displayed in the meeting room and included in the agenda materials. Mr. Pittenger responded to questions of clarification, and discussion took place throughout the presentation.

In response to a question, Mr. Pittenger advised of having discussed continuing with the TRAFCC meetings with the Regional Transportation Commissioners and the TRAFCC members. The TRAFCC members have indicated a preference to keep meeting on a quarterly basis. Mr. Pittenger expressed the opinion that “it's imperative to keep promoting our transparency” and to keep lines of communication open with the community.

Supervisor Abowd inquired as to how to justify new development in consideration of insufficient maintenance funding. Mr. Pittenger pointed out that “different developments have different characteristics.” He referenced Mills Landing as an example. “That one ... has different characteristics. ... it is denser and it also has relatively narrower roadways that cost less to maintain. So while they will be City-maintained roadways, that is a benefit, as far as development goes in that it has a reduced cost because, of course, those residents will be buying gas and contributing sales tax and there will be revenue. There are other proposals out there for developments that will have privately-owned roads which, of course, benefits us in that the City doesn't have to pay. But the bottom line is that, overall, we know we've done the math and ... when an average development in the past has come in, the revenue generated that goes to the actual maintenance of roads is not sufficient to cover the long-term maintenance. And the solution to that ... would have to be some future change in some funding that would allow for that to not be an increasing burden as we go forward ...”

In response to a further question, Mr. Pittenger discussed crack fill and slurry seal maintenance practices. In reference to fuel tax revenue and in consideration of the fuel tax index question failing, Mr. Marano discussed pursuing “an all-of-the-above strategy. ... we've got to be extremely effective at how we plan the current dollars that we do have available. So, partly using the TRAFCC members and using our pavement management system, I think we'll be able to program the available dollars more effectively, more efficiently. ... Also, within the Streets Division, we have to be more efficient about how we do spend all

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those dollars to include the ... wide crack sealing programs. But that only gets you so far. We could be a hundred percent more efficient in how we execute the available budget. That still is only going to get you about a third of the way that you need to be in terms of annual road maintenance funding. So, we're crunching the numbers real tightly here and we're using the TRAFCC members to help us. ... I think the third component of the all-of-the-above strategy is, at some point, there is going to be revenue source required and we have to be honest about that. ... So, as we work through the budget process over the next six months or so, we're going to sharpen the pencils on what the requirement is and we're going to bring some alternatives for your consideration.” Mr. Marano responded to questions of clarification,

Mayor Crowell entertained public comment. (9:58:12) In reference to the downtown corridor redesign, Hope Tingle advised of having received feedback regarding “traffic issues as far as left turns off of Carson Street onto Fifth Street, Washington Street, Robinson Street ...” She inquired as to the possibility of installing left turn arrows at those intersections. She expressed concern over “any new development” and suggested considering “an impact fee to the builder ... to cover some of the costs of not only ... the initial street installation but any ongoing maintenance ...” Discussion followed, and Supervisor Bagwell pointed out that the Board had imposed a \$1,000 impact fee on the Lompa project. Mayor Crowell entertained additional public comment and, when none was forthcoming, recessed the meeting at 10:04 a.m. Mayor Crowell reconvened the meeting at 10:16 a.m.

12. FINANCE DEPARTMENT

12(A) POSSIBLE ACTION TO CONFIRM THE ENGAGEMENT OF SHERMAN & HOWARD AS BOND COUNSEL TO CARSON CITY, NEVADA IN CONNECTION WITH THE ISSUANCE OF TWO INSTALLMENT - PURCHASE AGREEMENTS: THE “QECB AGREEMENT”, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,101,538, AND THE “TAX-EXEMPT AGREEMENT”, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,175,000, IN ORDER TO FINANCE ALL OR A PORTION OF THE COST TO ACQUIRE, IMPROVE, AND EQUIP BUILDING PROJECTS, AS DEFINED IN NRS 244A.019 (10:16:12) - Mayor Crowell introduced this item, and Chief Financial Officer Nancy Paulson introduced John Peterson, of JNA Consulting, and Bond Counsel Ryan Henry. Ms. Paulson reviewed the agenda materials, and Mayor Crowell entertained questions or comments of the Board and of the public. When no questions or comments were forthcoming, Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to confirm the engagement of Sherman & Howard, as bond counsel to Carson City, Nevada, in connection with the issuance of two installment-purchase agreements: The “QECB Agreement”, in the maximum principal amount of \$3,101,538, and the “Tax-Exempt Agreement”, in the maximum principal amount of \$1,175,000, in order to finance all or a portion of the cost to acquire, improve, and equip building projects, as defined in NRS 244A.019. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

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12(B) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AUTHORIZING THE INSTALLMENT - PURCHASE AGREEMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING, AND EQUIPPING BUILDING PROJECTS, AND AUTHORIZING THE EXECUTION OF THE AGREEMENTS AND OTHER DOCUMENTS RELATED TO THE AGREEMENTS (10:17:55) - Mayor Crowell introduced this item, and Chief Financial Officer Nancy Paulson reviewed the agenda materials. John Peterson, of JNA Consulting, provided background information on this item, and reviewed the financing as included in the agenda materials. Ms. Paulson, Mr. Peterson, and Bond Counsel Ryan Henry responded to questions of clarification.

(10:31:13) Project Manager Tom Grundy narrated a PowerPoint presentation on energy performance contracting and the subject projects. Public Works Department Director Darren Schulz and Mr. Peterson responded to questions of clarification, and discussion followed. In response to a further question, Mr. Grundy advised that the boilers to be replaced are at the Aquatic Center and City Hall. "... both of those boilers are antiquated. ... they can't even get parts for the City Hall boiler anymore."

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to introduce, on first reading, Bill No. 115, an ordinance authorizing installment - purchase agreements for the purpose of acquiring, constructing, improving, and equipping building projects, and authorizing the execution of the agreements and other documents related to the agreements. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

12(C) POSSIBLE ACTION TO ADOPT A RESOLUTION EVIDENCING AND DESCRIBING THE CARSON CITY, NEVADA GREEN COMMUNITY PROGRAM (10:43:39) - Mayor Crowell introduced this item, and Chief Financial Officer Nancy Paulson reviewed the agenda materials. Mayor Crowell entertained questions or comments of the Board members and of the public and, when none were forthcoming, a motion. **Supervisor Abowd moved to adopt Resolution No. 2016-R-28, a resolution evidencing and describing the Carson City, Nevada Green Community Program. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

12(D) POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY, AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES, THROUGH NOVEMBER 4, 2016, PURSUANT TO NRS 251.030 AND NRS 354.290 (10:44:54) - Mayor Crowell introduced this item, and entertained questions or comments of the Board members and of the public. When no questions or comments were forthcoming, Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to accept the report on the condition of each fund in the treasury, and the statements of receipts and expenditures, through November 4, 2016, pursuant to NRS 251.030 and NRS 354.290. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

13. RECESS BOARD OF SUPERVISORS MEETING (10:45:35) - Mayor Crowell recessed the Board of Supervisors meeting at 10:45 a.m., and passed the gavel to Redevelopment Authority Chairperson Karen Abowd.

REDEVELOPMENT AUTHORITY

14. CALL TO ORDER AND ROLL CALL (10:45:50) - Chairperson Karen Abowd called the Redevelopment Authority meeting to order at 10:45 a.m., noting the presence of a quorum.

15. PUBLIC COMMENT (10:46:00) - Chairperson Abowd entertained public comment; however, none was forthcoming.

16. POSSIBLE ACTION ON APPROVAL OF MINUTES - August 18, 2016 (10:46:08) - Chairperson Abowd entertained a motion. **Member Bonkowski moved to approve the minutes, as presented. The motion was seconded and carried unanimously.**

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17. COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION - POSSIBLE ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING THE EXPENDITURE OF \$750, FROM THE FISCAL YEAR 2016 - 17 REDEVELOPMENT REVOLVING FUND, TO SUPPORT THE 2016 SANTA PARADE SPECIAL EVENT, AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN, THAT HAS BEEN ADOPTED BY THE CARSON CITY BOARD OF SUPERVISORS (10:46:27) - Chairperson Abowd introduced this item. Community Development Director Lee Plemel provided background information and reviewed the agenda materials. In response to a question, Mr. Plemel advised of no new information since the November 7, 2016 Redevelopment Authority Citizens Committee meeting.

Chairperson Abowd entertained Redevelopment Authority member questions or comments. Member Bonkowski expressed hesitancy “to go against the 6-0 vote from an advisory committee.” He offered to match up to half the requested funds.

Chairperson Abowd entertained public comment. (10:50:14) Doreen Mack provided background information and reviewed details of the event. Ms. Mack acknowledged that the Carson City Visitors Bureau is promoting the event.

In reference to the November 7, 2016 Redevelopment Authority Citizens Committee action, Member Bagwell expressed the opinion that the application does not “meet the goals and objectives of redevelopment; not that it isn't a nice event or special but it's not the purpose of the redevelopment dollars.” Ms. Mack expressed the opinion that the event supports the “businesses from Telegraph Square to Curry Street down Main Street.” She provided additional background information on the event. Member Crowell offered to meet Member Bonkowski's offer, and Ms. Mack expressed appreciation.

Chairperson Abowd entertained a motion. **Member Crowell moved to table this item. Member Bonkowski seconded the motion.**

RESULT:	Approved [5 - 0]
MOVER:	Member Robert Crowell
SECOND:	Member Brad Bonkowski
AYES:	Members Crowell Bonkowski, Bagwell, Vice Chair Shirk, Chair Abowd
NAYS:	None
ABSENT:	None
ABSTAIN:	None

18. PUBLIC COMMENT (10:55:08) - Chairperson Abowd entertained public comment; however, none was forthcoming.

19. ACTION TO ADJOURN REDEVELOPMENT AUTHORITY MEETING (10:55:11) - Chairperson Abowd adjourned the Redevelopment Authority meeting at 10:55 a.m., and passed the gavel to Mayor Crowell.

20. RECONVENE BOARD OF SUPERVISORS MEETING (10:55:22) - Mayor Crowell reconvened the Board of Supervisors meeting at 10:55 a.m.

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21. COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

21(A) POSSIBLE ACTION TO ADOPT A RESOLUTION AUTHORIZING EXPENDITURE OF \$750, FROM THE FISCAL YEAR 2016 - 17 REDEVELOPMENT REVOLVING FUND, TO SUPPORT THE 2016 SANTA PARADE SPECIAL EVENT, AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN THAT HAS BEEN ADOPTED BY THE CARSON CITY BOARD OF SUPERVISORS - Withdrawn.

21(B) POSSIBLE ACTION TO ADOPT BILL NO. 114, ON SECOND READING, AN ORDINANCE AMENDING TITLE 10, VEHICLES AND TRAFFIC, BY AMENDING A PORTION OF CHAPTER 10.30, MOTORCYCLES, SECTION 10.30.120, VIOLATIONS, TO AMEND PROVISIONS RELATING TO CERTAIN MOTORCYCLE VIOLATIONS, AND ADDING THERETO A NEW CHAPTER, 10.31, OFF-ROAD VEHICLES, ALL-TERRAIN VEHICLES, AND MOTORCYCLES THAT ARE NOT STREET-LEGAL MOTORCYCLES, ESTABLISHING VARIOUS PROVISIONS RELATING TO OFF-ROAD VEHICLES, ALL-TERRAIN VEHICLES, AND MOTORCYCLES THAT ARE NOT STREET-LEGAL MOTORCYCLES (10:55:32) - Mayor Crowell introduced this item and, in response to a question, Community Development Director Lee Plemel advised of having received no public comment since introduction, on first reading. Mayor Crowell entertained Board member and public comments. Supervisor Bonkowski noted that changes discussed at the November 3, 2016 Board of Supervisors meeting had been incorporated. When no public comment was forthcoming, Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to adopt Bill No. 114, on second reading, Ordinance No. 2016-15, an ordinance amending Title 10, Vehicles and Traffic, by amending a portion of Chapter 10.30, Motorcycles, Section 10.30.120, Violations, to amend provisions relating to certain motorcycle violations and adding thereto a new chapter, 10.31, Off-Road Vehicles, All-Terrain Vehicles, and Motorcycles that are not Street-Legal Motorcycles, establishing various provisions related to off-road vehicles, all-terrain vehicles, and motorcycles that are not street-legal motorcycles. Supervisor Abowd seconded the motion. Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.**

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

22. CITY MANAGER - POSSIBLE ACTION TO RATIFY THE APPROVAL OF BILLS AND OTHER REQUESTS FOR PAYMENTS, BY THE CITY MANAGER, FOR THE PERIOD OF OCTOBER 8, 2016 THROUGH NOVEMBER 4, 2016 (10:57:28) - Mayor Crowell introduced this item, and entertained questions or comments of the Board members and of the public. When no questions or comments were forthcoming, Mayor Crowell entertained a motion. **Supervisor Bagwell moved to ratify the approval of bills and other requests for payments by the City Manager, for the period of October 8, 2016 through November 4, 2016. Supervisor Abowd seconded the motion. Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.**

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RESULT:	Approved [5 - 0]
MOVER:	Supervisor Lori Bagwell
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bagwell, Abowd, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

**23. BOARD OF SUPERVISORS NON-ACTION ITEMS:
FUTURE AGENDA ITEMS**

STATUS REVIEW OF PROJECTS

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (10:58:02) - Supervisor Bagwell expressed appreciation to the Church of Jesus Christ of Latter Day Saints “for doing a memorandum of understanding with the American National Red Cross, and agreeing to be another emergency evacuation center for Carson City.” She expressed appreciation to staff for the Granicus packet. Supervisor Abowd announced that the Carson City Visitors Bureau has produced the “Save-the-Date” for the fair, June 27 - 30, 2017. She distributed the announcement among the Board members. Supervisor Bonkowski noted the new art display in the Sierra Room, and wished everyone a Happy Thanksgiving. (11:00:02) Mayor Crowell announced an event commemorating the 75th anniversary of Pearl Harbor scheduled for Wednesday, December 7th at approximately 11:58 a.m. Mayor Crowell wished everyone a Happy Thanksgiving.

STAFF COMMENTS AND STATUS REPORTS (10:59:20) - Mr. Marano advised of late material to be distributed relative to item 24(A), and requested the Board members to review the same over the lunch hour. Mayor Crowell advised that he would be opening item 24(A), disclosing a conflict of interest, and passing the gavel to Mayor *Pro Tem* Karen Abowd.

RECESS AND RECONVENE BOARD OF SUPERVISORS MEETING (11:01:16) - Mayor Crowell recessed the meeting at 11:01 a.m., and reconvened the meeting at 1:30 p.m.

24. COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

24(A) POSSIBLE ACTION TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A SPECIAL USE PERMIT (SUP-16-090) FOR AN UNLIMITED GAMING CASINO, A BAR, AND ADDITIONAL SIGNAGE, ON PROPERTY ZONED RETAIL COMMERCIAL, LOCATED AT 3246 NORTH CARSON STREET, APN 007-462-06 (1:30:00) - Mayor Crowell introduced this item, and entertained disclosures. Supervisor Bonkowski read a prepared disclosure statement into the record, advised that he would recuse himself from participating in discussion and action on this item, and that he would be leaving the dais. Mayor Crowell read a prepared disclosure

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statement into the record, advised that he would recuse himself from participating in discussion and action on this item, and passed the gavel to Mayor *Pro Tem* Karen Abowd.

Supervisor Shirk expressed the belief that he had a conflict of interest due to having received campaign contributions from two of the appellants. Supervisor Shirk stated, "I feel it's a conflict of interest. In my best interests, I don't care what the D.A. says, this is my decision and I believe it's best that I leave the diocese [sic]." Supervisor Shirk stepped away from the dais. Ms. Fralick advised that the quorum was reduced and that the meeting could continue. Supervisor Bonkowski and Mayor Crowell stepped away from the dais.

Mayor *Pro Tem* Abowd opened the hearing, and reviewed the format by which testimony would be received. Mayor *Pro Tem* Abowd advised of the need for the Board to first consider the issue of the appellant's legal standing, as raised by the applicant, and reviewed the method by which testimony would be received.

Attorney Sev Carlson, representing Silver Bullet of Nevada LLC, presented the argument that the appellants do not have legal standing to appeal the Planning Commission's decision. He urged the Board to determine that the appellants do not have legal standing "because they have (1) the general interests, same as the public, with respect to the master plan elements, and (2) with respect to their specific concerns about competition, ... they are not within the vicinity, ... as provided ... under Title 18."

Attorney Garrett Gordon, representing the appellants, narrated a SlideShow presentation arguing that the appellants do have legal standing to appeal the Planning Commission's decision.

Deputy District Attorney Dan Yu reviewed his November 17, 2016 memo, which had been distributed to the Board members, the Clerk, and made available to the public prior to introduction of this item. He recommended that the Board find the appellants do have legal standing, and for the Board to then consider the merits of the appeal.

Mayor *Pro Tem* Abowd entertained public comment on the issue of the appellants' legal standing. Donna DePauw expressed no opposition to the casino. At her request, Mayor *Pro Tem* Abowd explained the issue of the appellants' legal standing to appeal the Planning Commission's decision. Ms. DePauw agreed to hold her comments on land use until the appropriate time. Mayor *Pro Tem* Abowd entertained additional public comment; however, none was forthcoming.

In response to a previous question, Ms. Fralick clarified that two of three votes would be needed to pass a motion. "... two recusals were approved by the DA's office with a written opinion, and that's the standard. One of the recusals, there was no written opinion so it doesn't reduce the quorum. ... you still have a quorum of three, so it'll take two of three votes." She acknowledged that the third vote should be considered as an abstention.

The Board members discussed the issue of legal standing, and Mayor *Pro Tem* Abowd entertained a motion. **Supervisor Bagwell moved to determine that the appellant has standing to appeal the decision of the Planning Commission, and to consider the merits of the appeal. Mayor *Pro Tem* Abowd seconded the motion.** Mayor *Pro Tem* Abowd entertained discussion on the motion and, when none was forthcoming, called for a vote.

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RESULT:	Approved [2 - 0 - 1 - 2]
MOVER:	Supervisor Lori Bagwell
SECOND:	Mayor <i>Pro Tem</i> Karen Abowd
AYES:	Supervisor Bagwell and Mayor <i>Pro Tem</i> Abowd
NAYS:	None
ABSENT:	None
ABSTAIN:	Supervisor Jim Shirk
RECUSAL:	Supervisor Brad Bonkowski and Mayor Robert Crowell

Mayor *Pro Tem* Abowd reviewed the method by which testimony and public comment would be received on the appeal. Planning Manager Hope Sullivan reviewed the agenda materials, and advised of staff's recommendation to deny the appeal and uphold the Planning Commission's approval of the special use permit based on the ability to make the seven required findings subject to conditions of approval. Ms. Fralick acknowledged that the Title 4 issues would be addressed at a future meeting.

Mayor *Pro Tem* Abowd invited the appellants' representative to present arguments in support of the appeal. Attorney Gordon narrated a PowerPoint presentation appealing the Planning Commission's decision to approve the special use permit. At Mr. Gordon's request, Carson Nugget General Manager Dean Dilullo discussed the gaming market conditions in Carson City in conjunction with displayed slides. He discussed opposition to the applicant not adding regional draw by being required to construct hotel rooms. In response to a question, Mr. Dilullo expressed the opinion that the master plan prescribes the need for regional growth. He strongly recommended following the master plan. Mr. Gordon read into the record the language of Goal 5.2(A) of the City's Master Plan.

Mr. Gordon expressed the opinion that Title 4 is applicable to the subject appeal, and Mayor *Pro Tem* Abowd pointed out that the special use permit was conditioned on meeting all the requirements of the gaming license. "... regardless of what happens here today, it is all conditioned upon that. And so if they don't meet all the requirements for the license, then this all goes away." Mr. Gordon advised of having been informed by Ms. Sullivan of the requirement for the Board of Supervisors to approve transfer of the gaming license, and that he would wait for said hearing to address the issues under Title 4.

Mr. Gordon narrated that portion of his PowerPoint presentation alleging that the project does not substantially comply with the elements of the City's Master Plan. He requested the Board to grant the appeal and reverse the Planning Commission's approval of the special use permit; to delay a final decision on this appeal until the applicant has satisfied the Title 4 issues; or to approve the special use permit with the requirement to construct hotel rooms.

Mayor *Pro Tem* Abowd entertained the applicant's arguments. Attorney Carlson pointed out that the Board of Supervisors is not tasked with vetting good or bad business decisions. In reference to Mr. Dilullo's testimony, Mr. Carlson advised that the Nevada Supreme Court has decided that master plans are not to be used as "a straight jacket," and suggested the appellants' issues are relative to concerns over competition. Mr. Carlson stated, "The master plan cannot be used to essentially eviscerate the ordinance that this City adopted providing for a grandfathered use. So there's a concept of a new gaming license ..., but we're talking about a grandfathered use."

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Mr. Carlson advised that the applicant's project does promote master plan goals, and pointed out that the proposed use will be located "in a completely underutilized shopping center ... that has never had a tenant in its history. Carson City's downtown has been changing; it's had less of a gaming focus. ... so the actual move of a project to another part of town could actually result in other, non-gaming opportunities in downtown. That's been clearly a goal of this City."

Mr. Carlson pointed out the next step in the process to transfer the gaming license, which involves determining suitability of the applicant and the location. "Carson City, as well as state law, does not protect existing licensees from competition." In response to a question, Mr. Carlson advised that Carson City has proven to be a good market for Silver Bullet LLC on the south end of town. He pointed out that the North Towne Plaza "could use some new life," and noted the state law requirement for transfer of a gaming license to be within a redevelopment area. The decision relative to the proposed location included consideration of an underserved area of town within a redevelopment area. He reiterated that the law doesn't allow the Board of Supervisors to correct the business decisions of Silver Bullet of Nevada LLC, "and we're not asking you to protect Silver Bullet from a good or a bad business decision." In response to a further question, Mr. Carlson expressed the opinion that "Silver Bullet is a very nimble operator" which considers providing their customers with the best experience possible. He was uncertain as to plans for additional, future amenities.

With regard to the merits of the appeal, Mr. Carlson noted that the Carson City Municipal Code doesn't include a definition for vicinity or neighborhood, and reiterated that the nearest competitor is 2.8 miles away from the proposed location. "Our reading of the ordinance is that we're looking to protect the neighbors ... from a negative impact ..." Mr. Carlson acknowledged that not every master plan goal was met, but reiterated that this doesn't imply a conflict with the master plan. He cited and read into the record a statement from a Nevada Supreme Court decision: "a master plan should not be viewed as a legislative straight jacket from which no leave can be taken." He reiterated, "we're not looking at a new gaming license ... We're talking about a grandfathered license ... that will be in front of the Board in December as to whether Silver Bullet is suitable and whether that license can be transferred from the Horseshoe to Silver Bullet."

Mr. Carlson and Mr. Gordon responded to questions of the Board members, and argued in support of their respective positions.

In response to an earlier question, Ms. Sullivan pointed out, in the agenda materials, the seven findings met by the applicant. She reviewed the Board's purview under Title 4, and reminded everyone that transfer of the gaming license ownership would be agendaized for a future meeting.

In response to a comment, Gold Dust West General Manager Jonathan Boulware clarified the appellants' position that the Horseshoe Club gaming license had expired. Mr. Carlson objected to any further discussion of the gaming license. In response to a further question, Mr. Boulware stated that any additional gaming inventory would affect the existing operators. He expressed the opinion that the proposed project will not result in regional draw but, instead, would adversely affect the existing operators "because we're in a no-growth market." In response to a further question, Mr. Boulware advised that he is not concerned about the competition. He discussed the importance of "doing things right" in imposing the hotel room requirement.

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Mr. Dilullo commended the Planning Commission, and agreed “it comes down to prioritization and what's best for our community.” He discussed the opinion that regional draw should be the priority, and the importance of synergy in the downtown area. He suggested remodeling and reopening the Horseshoe Club.

Mr. Carlson encouraged the Board to “remember that government always has a partner in business,” and requested the Board to deny the appeal in its entirety.

Mayor *Pro Tem* Abowd entertained public comment. Donna DePauw advised that she was also speaking on behalf of her neighbors, and discussed concerns relative to West Nye Lane residents, including increased traffic, “24-hour-a-day ambience music,” increased “thievery,” the proposed location of the grease trap, and proposed lighting. Ms. DePauw requested the Board's consideration of her concerns.

In response to a question, Ms. Sullivan advised that the applicant would be a tenant of the shopping center and, as such, lighting would not be within his control. She reiterated that transfer of the gaming license, as a provision of Title 4, is outside the purview of the Planning Commission and will be considered by the Board of Supervisors at a future meeting. Additionally, Ms. Sullivan advised that the special use permit application did not include a hotel, and that Planning Commission had reviewed the application as it was submitted. In response to a comment, she provided additional clarification of the purview of the Board over the gaming license transfer issue, as provided in Title 4.

Ms. Fralick advised that Mr. Yu would review the burden of proof issues, and reviewed the options available to the Board relative to action on this item. Mr. Carlson advised that the applicant would be unwilling to waive the 60-day requirement relative to transfer of the gaming license. Mr. Yu explained the requirement for the Board to find substantial evidence that the Planning Commission found the preponderance of the evidence to make the findings to approve the special use permit application. He clarified that preponderance of the evidence “simply means ... is probably more true than not. In numerical standards, it's a 51% to 49% Substantial evidence ... is even lower, ... that which a reasonable mind would find adequate to support a decision.”

Discussion ensued between the Board members, and Mayor *Pro Tem* Abowd entertained a motion. **Supervisor Bagwell moved to deny the appeal and uphold the decision of the Planning Commission to approve the special use permit for an unlimited gaming casino, a bar, and additional signage, on property zoned retail commercial, located at 3246 North Carson Street, subject to the conditions approved by the Planning Commission. Mayor *Pro Tem* Abowd seconded the motion.** Mayor *Pro Tem* Abowd entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [2 - 0 - 1 - 2]
MOVER:	Supervisor Lori Bagwell
SECOND:	Mayor <i>Pro Tem</i> Karen Abowd
AYES:	Supervisor Bagwell and Mayor <i>Pro Tem</i> Abowd
NAYS:	None
ABSENT:	None
ABSTAIN:	Supervisor Jim Shirk
RECUSAL:	Supervisor Brad Bonkowski and Mayor Robert Crowell

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Mayor *Pro Tem* Abowd recessed the meeting at 4:40 p.m., and Mayor Crowell reconvened the meeting at 4:43 p.m.

24(B) POSSIBLE ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A PARTNERSHIP LETTER TO PARTICIPATE IN THE NORTHERN NEVADA DEVELOPMENT AUTHORITY BROWNFIELDS ASSESSMENT PROGRAM GRANT APPLICATION WITH DOUGLAS COUNTY, AND TO AUTHORIZE THE NNDA TO SUBMIT THE JOINT GRANT APPLICATION FOR \$600,000 ON THE CITY'S BEHALF (4:43:19) - Mayor Crowell introduced this item, and Planning Manager Hope Sullivan provided an overview. NNDA Director of Business Development Andrew Haskin reviewed the grant proposal. Supervisor Bonkowski discussed his experience with a brownfields assessment grant in Lyon County, and commended the program as a “great economic tool.” Mr. Haskin and Supervisor Bonkowski responded to questions of clarification, and discussion ensued.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to approve and authorize the Mayor to sign a Partnership Letter to participate in the NNDA Brownfields Assessment Program grant application with Douglas County, and to authorize the NNDA to submit the joint grant application for \$600,000 on the City's behalf. Supervisor Bonkowski seconded the motion.**

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Brad Bonkowski
AYES:	Supervisors Abowd, Bonkowski, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Mayor Crowell thanked Mr. Haskin.

25. PUBLIC COMMENT (4:54:21) - Mayor Crowell entertained public comment. (4:54:40) Supervisor-elect John Barrette thanked Supervisor Shirk for his service, and suggested that a master plan update may have abrogated some of the issues discussed earlier in the day. Mayor Crowell entertained additional public comment; however, none was forthcoming.

26. ACTION TO ADJOURN (4:55:29) - Mayor Crowell adjourned the meeting at 4:55 p.m.

The Minutes of the November 17, 2016 Carson City Board of Supervisors meeting are so approved this 15th day of December, 2016.

ATTEST:

ROBERT L. CROWELL, Mayor

SUSAN MERRIWETHER, Clerk - Recorder