

## **CARSON CITY BOARD OF SUPERVISORS**

### **Minutes of the October 4, 2018 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 4, 2018 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 John Barrette, Ward 4

**STAFF:** Nancy Paulson, City Manager

Sue Merriwether, Clerk - Recorder

Adriana Fralick, Deputy City Manager

Dan Yu, 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 Clerk's Office, during regular business hours.

#### **1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE**

(8:31:44) - Mayor Crowell called the meeting to order at 8:31 a.m. Ms. Merriwether called the roll; a quorum was present. Mayor Crowell called for Fountainhead Foursquare Church Pastor Louis Locke; however, he was not in attendance. Mayor Crowell requested a moment of silence to reflect on all our blessings. At Mayor Crowell's request, Health and Human Services Department Director Nicki Aaker led the Pledge of Allegiance.

**5. PUBLIC COMMENT** (8:33:47) - Health and Human Services Department Public Health Preparedness Manager Jeanne Freeman announced the Drive-Thru Flu Clinic scheduled for 9:00 a.m. on Saturday, October 6<sup>th</sup>. In response to a question, Ms. Freeman advised that the flu vaccination is quadrivalent, "slightly different from last year." In response to a further question, Ms. Freeman advised that Carson City School District students would be vaccinated with a properly signed authorization slip. She responded to additional questions of clarification.

(8:36:30) Robert Harris requested the Board to consider prohibiting commercial trash collection, within 1,000 feet of residential areas, prior to 7:00 a.m. Following a brief discussion, Mayor Crowell thanked Mr. Harris for his comments, and advised that the Board would take them into consideration. Mayor Crowell entertained additional public comment; however, none was forthcoming.

**6. POSSIBLE ACTION ON APPROVAL OF MINUTES - September 6, 2018 and September 20, 2018** (8:40:13) - Mayor Crowell introduced this item, and entertained a motion for the September 6<sup>th</sup> minutes. **Supervisor Bonkowski moved to approve the minutes of September 6, 2018, as presented. Supervisor Bagwell seconded the motion. Motion carried 5-0.** Mayor Crowell entertained a motion for the September 20<sup>th</sup> minutes. **Supervisor Bonkowski moved to approve the minutes of September 20, 2018, as presented. Supervisor Abowd seconded the motion. Motion carried 3-0-2, Mayor Crowell and Supervisor Barrette abstaining.** Mayor Crowell thanked Mayor *Pro Tem* Abowd for chairing the September 20<sup>th</sup> meeting in his absence.

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**7. POSSIBLE ACTION ON ADOPTION OF AGENDA** (8:41:19) - Mayor Crowell introduced this item, and advised that items 14 and 16 would be deferred to a future meeting. In reference to a recent *Nevada Appeal* article, Ms. Paulson advised that the lease agreement, between the City and the Nevada Highway Patrol, would be agendized for a future meeting. Mayor Crowell entertained additional modifications to the agenda and, when none were forthcoming, deemed the agenda adopted as revised.

**8. SPECIAL PRESENTATIONS:**

**8(A) PRESENTATION OF A PROCLAMATION REGARDING “NATIONAL 4-H WEEK”**

(8:42:34) - Mayor Crowell introduced this item and, at his request, the Board members joined him on the meeting floor. Mayor Crowell invited UNR Cooperative Extension Educator Lindsay Chichester and her staff to join them. Mayor Crowell read into the record the language of the Proclamation, a copy of which was included in the agenda materials. Mayor Crowell presented the original Proclamation to Ms. Chichester.

(8:47:30) Ms. Chichester thanked Mayor Crowell and the Board of Supervisors for their support over the years. She announced that October 1<sup>st</sup> also kicks off annual 4-H Enrollment, and provided corresponding details. She reviewed details of a national science experiment, in partnership with the Carson City Library, which took place earlier in the week. She discussed current projects and programs at the UNR Cooperative Extension, and expressed appreciation for the City’s support. At Ms. Chichester’s request, UNR Cooperative Extension staff introduced themselves for the record. Mayor Crowell announced that Ms. Chichester has accepted a position in Douglas County, and expressed appreciation for her service to Carson City.

**8(B) PRESENTATION OF A PROCLAMATION REGARDING “FIRE PREVENTION WEEK”**

(8:51:38) - Mayor Crowell introduced this item, invited Fire Chief Sean Slamon and Battalion Chief / Fire Marshal Dave Ruben to the meeting table, and read into the record the language of the Proclamation, a copy of which was included in the agenda materials. Chief Slamon provided additional detail of this year’s Fire Prevention Week theme, “Look. Listen. Learn. Be aware - fire can happen anywhere.”<sup>TM</sup> Fire Marshal Ruben announced a memorial ceremony scheduled for 10:00 a.m. on October 13<sup>th</sup>.

**8(C) PRESENTATION OF A PROCLAMATION REGARDING “WALK TO SCHOOL DAY”**

(8:59:14) - Mayor Crowell introduced this item, invited Transportation Manager Lucia Maloney and Bicycle and Pedestrian Coordinator Karissa Moffett to the meeting table, and read into the record the language of the Proclamation, copies of which were included in the agenda materials.

**8(D) PRESENTATION OF A PROCLAMATION REGARDING “ENERGY EFFICIENCY DAY”**

(9:02:55) - Mayor Crowell introduced this item, invited Ann and Chas Macquarie to the meeting table, and read into the record the language of the Proclamation, copies of which were included in the agenda materials. (9:04:44) Ms. Macquarie commended the City on measures taken to become more energy efficient. Tom Polokolous, of the Southwest Energy Efficiency Project, also commended Carson City on its “tremendous effort” which has resulted in energy savings.

Mayor Crowell recessed the meeting at 9:07 a.m., and reconvened at 9:14 a.m.

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#### CONSENT AGENDA

(9:14:26) - Mayor Crowell introduced the consent agenda and entertained requests to hear the item separately. When no requests were forthcoming, he entertained a motion. **Supervisor Bonkowski moved to approve the consent agenda, consisting of one item, item 9. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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

#### **9. 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 SEPTEMBER 20, 2018, PURSUANT TO NRS 251.030 AND NRS 354.290**

#### ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

#### **10. ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME -** None.

**11. SHERIFF - POSSIBLE ACTION TO APPROVE AN APPLICATION FOR AND AUTHORIZE THE ACCEPTANCE OF THE BJA FY 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, AWARD NUMBER 2018-DJ-BX-0030, IN THE AMOUNT OF \$12,013** (9:15:34) - Mayor Crowell introduced this item, and Sheriff Ken Furlong presented the agenda materials. Sheriff Furlong introduced Deputy Lisa Davis, and commended her on the numerous educational programs she oversees each year. Mayor Crowell entertained Board member questions or comments and public comments and, when none were forthcoming, a motion. **Supervisor Abowd moved to approve the application for, and authorize the acceptance of, the BJA FY 2018 Edward Byrne Memorial Justice Assistance Grant. Supervisor Barrette seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [5 - 0]
<b>MOVER:</b>	Supervisor Karen Abowd
<b>SECOND:</b>	Supervisor John Barrette
<b>AYES:</b>	Supervisors Abowd, Barrette, Bonkowski, Bagwell, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

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#### 12. TREASURER

**12(A) PUBLIC HEARING ON THE CARSON CITY TREASURER'S PROPOSED CITY POLICY FOR THE INVESTMENT OF SURPLUS MONEY** (9:17:47) - Mayor Crowell introduced this item, and opened the public hearing. Mayor Crowell invited Treasurer Gayle Robertson to the meeting table, and she presented the agenda materials. Ms. Robertson responded to questions of clarification. Mayor Crowell entertained public comment and, when none was forthcoming, closed the public hearing.

**12(B) POSSIBLE ACTION TO APPROVE AND ADOPT THE CARSON CITY TREASURER'S PROPOSED CITY POLICY FOR THE INVESTMENT OF SURPLUS MONEY** (9:19:42) - Mayor Crowell introduced this item, and referenced the presentation and discussion under item 12(A). Mayor Crowell entertained Board member and public comments and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to approve and adopt the Carson City Treasurer's proposed City policy for the investment of surplus money. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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

Mayor Crowell thanked Ms. Robertson for her presentation.

**13. PUBLIC WORKS - POSSIBLE ACTION TO ADOPT BILL NO. 114, ON SECOND READING, AN ORDINANCE RELATING TO SEWER PIPE DESIGN CRITERIA; AMENDING TITLE 18, APPENDIX, CARSON CITY DEVELOPMENT STANDARDS, DIVISION 15, WATER, SEWER, RECLAIMED WATER STANDARDS, OF THE CARSON CITY MUNICIPAL CODE, TO ESTABLISH CERTAIN SIZING AND PEAK FLOW REQUIREMENTS RELATING TO SEWER PIPES; AND MAKING CONFORMING CHANGES IN TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.06, INDUSTRIAL WASTEWATER DISCHARGES - SEWER DESIGN STANDARDS** (9:20:25) - Mayor Crowell introduced this item, and Senior Project Manager Stephen Pottéy presented the agenda materials. In response to a question, Mr. Pottéy advised of having received no comment following introduction of the bill, on first reading. He responded to questions of clarification. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to adopt Bill No. 114, Ordinance No. 2018-12, an ordinance relating to sewer pipe design criteria, as discussed and as published on the agenda. 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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<b>RESULT:</b>	Approved [5 - 0]
<b>MOVER:</b>	Supervisor Karen Abowd
<b>SECOND:</b>	Supervisor Lori Bagwell
<b>AYES:</b>	Supervisors Abowd, Bagwell, Bonkowski, Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

**14. FIRE DEPARTMENT - POSSIBLE ACTION TO ADOPT BILL NO. 115, ON SECOND READING, AN ORDINANCE AMENDING SECTIONS OF TITLE 14, CHAPTER 14.02, TO REFLECT THE ADOPTION OF THE 2018 EDITIONS OF THE INTERNATIONAL FIRE CODE, THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, AND THE NORTHERN NEVADA FIRE AMENDMENTS - Deferred.**

**15. HEALTH AND HUMAN SERVICES DEPARTMENT - POSSIBLE ACTION TO APPROVE THE ADDITION OF A SECOND PUBLIC HEALTH ("PH") COMMUNICATION SPECIALIST ("A4") POSITION AND APPROVE THE REMOVAL OF THE OFFICE SPECIALIST ("A2") POSITION WITHIN THE PHP DIVISION AT CARSON CITY HEALTH AND HUMAN SERVICES, WHICH WILL REDUCE THE BUDGETED PERSONNEL AND CONTRACT EMPLOYEE GRANT BUDGET BY \$33,441 (9:22:49) -** Mayor Crowell introduced this item. Health and Human Services Department Director Nicki Aaker presented the agenda materials, and responded to questions of clarification. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bagwell moved to approve the addition of a Public Health Communication Specialist position and remove the Office Specialist position from the Public Health Preparedness Division. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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

**16. CITY MANAGER - POSSIBLE ACTION TO ADOPT A RESOLUTION EXPRESSING SUPPORT OF THE PROPOSED TECHNICAL CORRECTIONS TO THE CARSON CITY LANDS BILL CURRENTLY BEING DEVELOPED, AND AUTHORIZING THE MAYOR TO SUBMIT A LETTER TO APPROPRIATE FEDERAL AND STATE AUTHORITIES EXPRESSING THAT SUPPORT - Deferred.**

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**17. PARKS AND RECREATION DEPARTMENT - POSSIBLE ACTION TO AUTHORIZE THE PARKS, RECREATION AND OPEN SPACE DEPARTMENT TO SUBMIT GRANT APPLICATIONS TO THE FOREST LEGACY PROGRAM AND OTHER PROGRAMS FOR FEE-TITLE ACQUISITION OF 100 ACRES, APNs 007-031-23, 007-031-35, AND 007-051-85, IN THE UPPER CLEAR CREEK AREA ALONG HIGHWAY 50 AND GOLF CLUB DRIVE FOR OPEN SPACE AND PASSIVE RECREATION PURPOSES, AND TO AUTHORIZE THE MAYOR TO SIGN A LETTER OF SUPPORT (9:31:22)** - Mayor Crowell introduced this item, and Open Space Administrator Ann Bollinger presented the agenda materials in conjunction with displayed slides. Supervisor Barrette commended Ms. Bollinger's presentation. Ms. Bollinger responded to questions of clarification regarding the location of the subject property relative to Highway 50; water rights; appraised value; and property access.

Mayor Crowell entertained additional questions or comments of the Board members and of the public and, when none were forthcoming, a motion. **Supervisor Bagwell moved to authorize the Parks, Recreation, and Open Space Department to submit grant applications for the fee-title acquisition of 100 acres, as described on the record, and to authorize the Mayor to sign a letter in support. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [5 - 0]
<b>MOVED:</b>	Supervisor Lori Bagwell
<b>SECOND:</b>	Supervisor Karen Abowd
<b>AYES:</b>	Supervisors Bagwell, Abowd, Bonkowski, Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

In response to a question, Ms. Bollinger provided a status report on the Hamm property acquisition.

**18. RECESS BOARD OF SUPERVISORS MEETING (9:54:36)** - Mayor Crowell recessed the Board of Supervisors meeting at 9:54 a.m., and passed the gavel to Redevelopment Authority Chairperson Karen Abowd.

### REDEVELOPMENT AUTHORITY

**19. CALL TO ORDER AND ROLL CALL (9:55:22)** - Chairperson Karen Abowd called the Redevelopment Authority meeting to order at 9:55 a.m., noting the presence of a quorum.

**20. PUBLIC COMMENT (9:55:30)** - Chairperson Abowd entertained public comment; however, none was forthcoming.

**21. POSSIBLE ACTION ON APPROVAL OF MINUTES - June 21, 2018 (9:55:41)** - Chairperson Abowd introduced this item, and entertained a motion. **Member Bonkowski moved to approve the minutes, noting a correction to the approval date. Vice Chairperson Bagwell seconded the motion. Motion carried 5-0.**

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#### 22. COMMUNITY DEVELOPMENT DEPARTMENT

**22(A) POSSIBLE ACTION TO CONSIDER AN APPEAL OF THE REDEVELOPMENT AUTHORITY CITIZENS COMMITTEE'S ACTION REGARDING THE EXPENDITURE OF UP TO \$25,000 FOR FAÇADE IMPROVEMENTS TO THE BUILDING LOCATED AT 302 NORTH MINNESOTA STREET, WITHIN REDEVELOPMENT AREA NO. 1, UNDER THE REDEVELOPMENT FAÇADE IMPROVEMENT PROGRAM** (9:55:59) - Chairperson Abowd introduced this item, and entertained disclosures. Member Bonkowski read a prepared disclosure statement into the record. He explained a disqualifying conflict of interest, and advised that he would not vote on this matter. He further advised of having conferred with counsel, who informed him that he may participate in the discussion "as long as [his] comments are related to factual knowledge and not to advocate." Mayor Crowell read a prepared disclosure statement into the record, advising of no disqualifying conflict of interest and that he would participate in discussion and action.

Community Development Director Lee Plemel explained Mr. Yu's representation of the Redevelopment Authority Citizens Committee and introduced the Appellant, Joe Cowee. Mr. Plemel presented the agenda materials in conjunction with displayed slides. Chairperson Abowd thanked Mr. Plemel for his presentation, and suggested considering amendment to the façade improvement program resolution.

(10:07:56) Cowee Investments Managing Member Joe Cowee introduced himself for the record, provided background information on this item, and presented the appeal.

Mr. Yu compared the subject appeal to a "request for ... declaratory relief. ... it's a matter of interpretation which is why we're here today." Mr. Yu agreed with the "three sub-issues" identified by Mr. Plemel. "The easy one ... the location issue. I base that on the plain language of the resolution that was adopted in 2017. There's no question ... when reading the plain language of that resolution, there is no restriction. So, to that extent, it's not restricted for eligibility purposes just to ... the primary commercial corridor, meaning Curry or Carson Streets. And I do agree with the Appellant and I do agree with staff that that is the correct reading and, in fact, I don't even need to dig beyond the plain language of it because it's so crystal clear ...

"As to the roof decking issue, it sounds like Mr. Cowee himself doesn't really have much of an objection to the recommendation I provided at the RACC level ..." Mr. Yu read into the record a portion of the recommendation he provided to the Redevelopment Authority Citizens Committee. Mr. Yu pointed out that roof decking "by definition, is not visible. And so, therefore, that language is probably something I'd attribute to scrivener's error." Mr. Yu advised of having reviewed the record of the Redevelopment Authority meeting at which the façade improvement program resolution was adopted. "... based on the discussions on the record, it was plainly clear that the intent of the [Redevelopment] Authority, at that time in adopting this resolution, was to exclude re-roofing. In fact, ... staff's discussion on the record also alluded to the use of that term 'roof decking' ... to capture different types of 'architectural features that may extend from the roof or be adjacent to the roof' but was to exclude, for example, roof shingles.

"... that leaves us with the final sub-issue which is incentives versus deferment and this is a much trickier issue. I wasn't able to pinpoint anything exactly from the legislative history of the resolution itself. ... I can't avow to looking at every document out there ...; however, based on my discussions with staff; based on the input from the RACC members; and also based on the limited number of documents I did review, I was not able to decipher one way or another what was intended behind the use of that term. Now, those

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terms themselves, it's actually two terms. It's tax incentives or other financial incentives. I would say the succinctness of that language is probably written in a very broad stroke and so that was my recommendation and explanation to the RACC members when they were ... trying to come down with a decision on this which was it's really up to the RACC members to decide, based on their reading of that language, what is intended by it.

“... normally, you go beyond the language of a statute, a resolution, an ordinance, a constitutional provision. If there's any ambiguity, you try to ascertain ... what was the true intent behind the adoption of that language. Here, ... I'm not able to ascertain the intent from past written records and so, instead, I'm unfortunately going to have to ... punt that question back to the Authority members. I would recommend, however, one of two options as Lee also stated earlier. If the Authority decides today on this appeal matter that the property is eligible, I think that because the roof decking issue is very clear that that is probably nothing more than a scrivener's error. The true intent of that I've just discussed on the record. I think that staff's recommendation to fund 50 percent of the painting, which would amount to \$9,292.50, would be appropriate for eligibility. If, however, the Authority decides that the ... property would be ineligible for funding because of the term that's used with respect to incentives, then obviously there would be no funding at all. I don't think that alternative number 3 ... that's just provided as an option on the staff report would be a recommended course of action which would be to modify it at an even higher level than \$9,292.50, as recommended by staff.”

District Attorney Jason Woodbury responded to questions of clarification regarding the Redevelopment Authority's options. Member Barrette discussed his involvement in the RACC meeting, as the Board's liaison, and advised that he would vote in support of the \$9,292.50. Vice Chairperson Bagwell expressed concern over the issue of “the painting of the building as a project.” Discussion followed.

Mr. Cowee provided background information on his original application. In response to a question, Mr. Plemel expressed the opinion that the RACC generally understood that painting was an eligible activity. In reference to Vice Chairperson Bagwell's earlier question, Mr. Plemel provided an overview of discussion which took place at the RACC meeting “about considering the merits of the project. That's not how the program was set up. That's not how the resolution was set up. It was set up on a first come, first served basis. There's no criteria in here so I caution against randomly applying some meritorious criteria to this particular application without writing it in there. It was set up, here's the criteria. If you meet these criteria and we still have money, you get the incentive. It's how the resolution was set up and written. There's not, like with other incentives, ... requirements and you have to show this and that. That was not the case with the set up for the façade improvement program. So, I saw that because if you feel that there should be some ... review on the merits and whether or not you like it, I think you should write some new policies into the resolution to say that because I don't believe that's how it was originally set up.” Discussion followed.

In response to a question, Mr. Yu expressed the opinion that a distinction can be made between tax incentives applied to a general area without qualification and an incentive granted to an individual property owner. “I think you can draw a distinction between the two, as two separate categories of incentives and ... that would be a justifiable position to take.” Additional discussion followed.

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In reference to the Redevelopment Authority Citizens Committee meeting, Mr. Cowee advised that “they had approved other properties that were receiving these tax deferments already. So, I asked, ‘... doesn’t that set a precedent?’ and the board kinda fell silent and that kinda just got brushed over but ... there is that too ...”

Chairperson Abowd requested Mr. Plemel to explain the difference between “big box tax incentive versus historic tax deferment.” Mr. Plemel explained that the “big box tax incentive ... was a program that was in the policies and has since been repealed and is no longer available. But, basically, to fill large, empty spaces, an incentive was given by the City for a while ..., if they got a new tenant in there, there’s a reimbursement ... of sales tax to those properties for filling the vacant space. ... I honestly don’t know too much about the historic tax deferment as even the Assessor’s Office told me it’s a pretty complicated formula how it actually ends up working in terms of impacting the actual taxes paid but I have pulled up the open space assessment. ... so any property is eligible, ... one of the categories is for any site or structure designated as historic by the Carson City Board of Supervisors based on the criteria provided in Section 18.07, which is the Historic District section. So, if they meet the criteria in terms of historic preservation, then they’re eligible. And this falls under Open Space Use Assessment under Carson City Municipal Code and ... under state law as well.” Mr. Plemel responded to questions of clarification.

In response to a question, Mr. Woodbury advised that “a denial is defensible, if nothing else, on the grounds that Supervisor Bagwell has indicated; that her interpretation ... globally of the objective of the historical tax deferment is to provide for those kinds of things.” In response to a further question, Mr. Woodbury advised that the Board “can take into account the aspects of this property, the unique aspects of it, where it’s located, its character, what it’s used for and all that.” In response to a comment, Mr. Woodbury clarified, “You can’t make an arbitrary decision and I don’t mean to suggest that at all. ... I disagree with the characterization that this is set up ..., only restricting the review to whether or not a property is eligible. ... And I just base that on the language of that. Maybe that was the intention of how it was supposed to be set up; that all the discretion was supposed to be controlled by this resolution but there is a review process set up and there is an application process. And we talk about you’re eligible to apply. That’s the language that is, ‘All commercial properties within Redevelopment Areas 1 and 2 are eligible to apply for façade improvement program funds.’ And then it talks about ineligible properties and eligible improvements. But my question being, why do you have a review process if the only question is on eligibility? Why do you have RACC go through, for consideration, the review process? Why do you have an appeal process to this Board unless it is to say, even if you’re eligible there is some level of discretion to approve or deny the expenditure of those funds. And when we talk about first in time, first in right, that means you get priority to have your application considered and your application is based on a first come, first served basis and, once that money runs out, then that’s it. The consideration is over. But my interpretation of that resolution is to say that gives you priority for consideration. It doesn’t give you priority to guarantee it.” Extensive discussion followed.

Chairperson Abowd entertained additional questions or comments of the Redevelopment Authority members, and entertained public comment. Mr. Yu requested the Redevelopment Authority to consider the extent of the Redevelopment Authority Citizens Committee’s authority to exercise discretion to act upon incentive funding applications. Mr. Plemel provided an overview of discussion which took place relative to original adoption of the Redevelopment Façade Improvement Program resolution. “... should we just make it administrative? If we meet everything, do it? Or do this? And, honestly, there wasn’t a comfort level at just the administrative review and that’s probably the right thing to do, put it into public

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forum. ... ironically, we haven't even got past the eligibility part and, so even on that alone, there's an argument that it should go to RACC for public review even if it is just first in, first out. So this reason that we're here today is exactly why they review it. It's just to make sure that their interpretation is eligibility so let's start with that. But then there's also compliance with development standards so this happens to be just repainting but there's been others where there have been new improvements so I include the Downtown Development Standards if it's downtown or other commercial development standards. And they may interpret it differently than I do so they do have, even under the scope of it as written, they do have a level of review to look at it and say, 'These ... improvements are appropriate; therefore, we'll approve them.' But that is kind of the limit of discretion that's written in there unlike, as I mentioned before in the Redevelopment Policies and Procedure under that incentive program, there are some other findings that you have to make to authorize it. And, to the Mayor's point, those types of things that lead to a decision on some basis are not written into the resolution for the façade improvement program right now. But ... perfectly agree that maybe it's time to revisit that and have that discussion."

In reference to Mr. Yu's request, Chairperson Abowd agreed we need to fine-tune this. "It's been a successful program but ... now we're getting into some intricacies that need to be visited ... But I think the RACC's position has never changed on this. They need to consider an application on its own merits and does it fit the goal of the program and they are that body that will determine it, above and beyond check boxes because there are intricacies to every single project, as this one, that comes before the RACC. So I don't see that as changed."

Member Crowell commented on the benefits of matters such as the subject "because they point out errors or inconsistencies or lack of clarity in our Code which should not have any lack of clarity." He suggested that the historic tax deferment, "because it applies generally across a geographic area, is not the same as other incentives that we've entered into with Board approval on all these things. I can get over that side. On the painting side, I don't understand how we can say, when painting is clearly an authorized expenditure, how you say no where we are on the record. In a way, we pick our poison. Let him take the brunt of it and we'll fix the ordinance or let this one go through and then we'll fix the ordinance. Whatever you want to do."

Following a brief discussion, Chairperson Abowd called again for public comment. When no public comment was forthcoming, Chairperson Abowd entertained a motion. **Member Crowell moved to approve the appeal and approve a modified expenditure of up to \$9,292.50 for painting the building located at 302 North Minnesota Street, within Redevelopment Area No. 1, subject to staff's recommended conditions of approval; that the motion is made upon the basis that this is not a precedent for any future painting applications in the historic district that come before the Redevelopment Authority Citizens Committee or the Redevelopment Authority; and that the Redevelopment Authority will consider clarifying the Code on the subject matter. Member Barrette seconded the motion.** Chairperson Abowd called for a vote on the pending motion.

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<b>RESULT:</b>	Approved [4 - 0 - 1]
<b>MOVER:</b>	Member Robert Crowell
<b>SECOND:</b>	Member John Barrette
<b>AYES:</b>	Members Crowell, Barrette, Vice Chair Bagwell, and Chairperson Abowd
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	Member Brad Bonkowski

**22(B) POSSIBLE ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING THE EXPENDITURE OF UP TO \$9,000 FROM THE FISCAL YEAR 2019 REDEVELOPMENT REVOLVING FUND, SPECIAL EVENT ACCOUNT, FOR A SPECIAL EVENT FUNDING REQUEST FROM THE CARSON CITY DOWNTOWN BUSINESS ASSOCIATION FOR THE PASSPORT TO DOWNTOWN EVENT, ON OCTOBER 26, 2018, AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN** (11:00:04) - Chairperson Abowd introduced this item, read a prepared disclosure statement into the record, and advised of no disqualifying conflict of interest. She entertained additional disclosures; however, none were forthcoming. Mr. Plemel presented the agenda materials. Jennifer Smith, of the Downtown Business Association, responded to questions regarding printing expenses and available funding.

Chairperson Abowd entertained additional questions or comments of the Redevelopment Authority members and of the public and, when none were forthcoming, a motion. **Member Crowell moved to recommend to the Board of Supervisors approval of the expenditure of \$4,500 for the Passport to Downtown special event. Vice Chairperson Bagwell seconded the motion.** Chairperson Abowd called for a vote on the pending motion.

<b>RESULT:</b>	Approved [4 - 1]
<b>MOVER:</b>	Member Robert Crowell
<b>SECOND:</b>	Vice Chair Lori Bagwell
<b>AYES:</b>	Member Crowell, Vice Chair Bagwell, Member Barrette, Chair Abowd
<b>NAYS:</b>	Member Brad Bonkowski
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

**23. PUBLIC COMMENT** (11:09:05) - Chairperson Abowd entertained public comment; however, none was forthcoming.

**24. ACTION TO ADJOURN REDEVELOPMENT AUTHORITY** (11:09:20) - Chairperson Abowd adjourned the Redevelopment Authority meeting at 11:09, and returned the gavel to Mayor Crowell.

**25. RECONVENE BOARD OF SUPERVISORS MEETING** (11:09:26) - Mayor Crowell reconvened the Board of Supervisors meeting at 11:09 a.m.

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#### 26. COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

**26(A) POSSIBLE ACTION TO ADOPT A RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO \$9,000 FROM THE FISCAL YEAR 2019 REVOLVING FUND OF THE REDEVELOPMENT AUTHORITY TO SUPPORT THE PASSPORT TO DOWNTOWN SPECIAL EVENT, AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN** (11:09:28) - Mayor Crowell introduced this item, noting it as corollary to item 22(B), and incorporated by reference the discussion which took place under item 22(B). Mayor Crowell entertained discussion of the Board members. Supervisor Bagwell expressed support for the subject item "just for this year." Supervisor Barrette agreed. Supervisor Bonkowski advised that he would vote in favor of the resolution based on the Redevelopment Authority's recommendation. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to adopt Resolution No. 2018-R-29, authorizing the expenditure of \$4,500 to support the Passport to Downtown Special Event. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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

**26(B) POSSIBLE ACTION TO ADOPT BILL NO. 116, ON SECOND READING, AN ORDINANCE TO CHANGE THE ZONING FROM GENERAL INDUSTRIAL ("GI") TO TOURIST COMMERCIAL ("TC"), ON PROPERTY LOCATED AT 1588 OLD HOT SPRINGS ROAD, APN 008-123-23** (11:11:40) - Mayor Crowell introduced this item and, in response to a question, Planning Manager Hope Sullivan advised of having received no public comment since introduction of the bill, on first reading. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to adopt Bill No. 116, on second reading, Ordinance No. 2018-13, an ordinance to change the zoning from General Industrial to Tourist Commercial, on property located at 1588 Old Hot Springs Road, APN 008-123-23, based on the findings contained in the staff report to the Planning Commission. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Barrette explained his vote in opposition to the motion. Mayor Crowell entertained additional discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [4 - 1]
<b>MOVER:</b>	Supervisor Brad Bonkowski
<b>SECOND:</b>	Supervisor Lori Bagwell
<b>AYES:</b>	Supervisors Bonkowski, Bagwell, Abowd, and Mayor Crowell
<b>NAYS:</b>	Supervisor John Barrette
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

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**26(C) POSSIBLE ACTION TO ADOPT BILL NO. 117, ON SECOND READING, AN ORDINANCE TO CHANGE THE ZONING FROM AGRICULTURE (“A”) TO SINGLE FAMILY 6000(“SF6”), ON PROPERTY LOCATED AT THE EAST END OF RAILROAD DRIVE AND WEST OF INTERSTATE 580, APN 010-051-44 (11:13:52)** - Mayor Crowell introduced this item and, in response to a question, Planning Manager Hope Sullivan advised of having received no public comment since introduction of the bill, on first reading. Mayor Crowell entertained Board member questions or comments. Supervisor Barrette expressed the opinion “we’re kinda playing fudge with our master plan.” Supervisor Bonkowski pointed out that the subject item has been before the Board and the Planning Commission several times before, and that the group of citizens which have followed it very closely were not present in the meeting room. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to adopt Bill No. 117, on second reading, Ordinance No. 2018-14, an ordinance to change the zoning from Agriculture to Single Family 6,000, on property located at the east end of Railroad Drive and west of Interstate 580, APN 010-051-44, based on the findings contained in staff’s report to the Planning Commission. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [4 - 1]
<b>MOVER:</b>	Supervisor Brad Bonkowski
<b>SECOND:</b>	Supervisor Lori Bagwell
<b>AYES:</b>	Supervisors Bonkowski, Bagwell, Abowd, and Mayor Crowell
<b>NAYS:</b>	Supervisor John Barrette
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

## **27. 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 (11:17:02)** - Mayor Crowell announced a veteran’s ceremony at the Minden Courthouse scheduled for noon on Saturday.

### **STAFF COMMENTS AND STATUS REPORTS**

**RECESS AND RECONVENE BOARD OF SUPERVISORS MEETING (11:17:50; 1:30:00)** - Mayor Crowell recessed the Board of Supervisors meeting at 11:17 a.m., and reconvened at 1:30 p.m.

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#### **28. CITY MANAGER - POSSIBLE ACTION TO APPOINT TWO MEMBERS TO THE CULTURAL COMMISSION'S "CITIZEN-AT-LARGE" POSITION, EACH TO FILL A THREE-YEAR TERM THAT WILL EXPIRE IN JANUARY 2021** - Mayor Crowell introduced this item, and provided an overview of the interview process. Ms. Paulson introduced Kelsey Penrose, and Mayor Crowell invited her to the meeting table.

Kelsey Penrose introduced herself for the record and, at Mayor Crowell's request provided background information on her education and experience. Ms. Penrose responded to questions regarding her interest in serving; her ideas for marketing arts and culture events; arts opportunities at the Nevada State Prison if it opens to the public; whether funding for public art should be raised through fees or taxes or left to the private sector; the most exciting part of the Arts and Culture Master Plan which she would like to see promoted; her number one idea for upgrading the City's arts and culture; and the importance of arts and culture to economic development efforts in Carson City. Mayor Crowell offered Ms. Penrose the opportunity to comment further, and she declined.

Mayor Crowell welcomed Christopher Leyva to the meeting table, and provided an overview of the interview process. Mr. Leyva responded to questions regarding his background and interest in serving; his ideas for marketing and implementing arts and culture events in Carson City; arts opportunities at the Nevada State Prison if it opens to the public; whether funding for public art should be raised through fees or taxes or left to the private sector; the most exciting element of the arts and culture master plan; his ideas for upgrading the City's arts and culture; and the importance of arts and culture to Carson City's economic development. Mayor Crowell offered Mr. Leyva the opportunity to comment further, and he discussed his fiancée's DACA benefits relative to culture.

Mayor Crowell welcomed Lynn Carrigan to the meeting table. Ms. Carrigan responded to questions regarding her background and interest in serving; ideas on how arts and culture events should be rolled out; arts opportunities at the Nevada State Prison if it opens to the public; whether funding for public art should be raised through fees or taxes or left to the private sector; the most exciting element of the arts and culture master plan; her number one idea to upgrade Carson City's arts and culture; and the importance of arts and culture to Carson City's economic development. Mayor Crowell offered Ms. Carrigan the opportunity to comment further, and she declined.

Mayor Crowell welcomed Jennifer Smith to the meeting table. Ms. Smith responded to questions regarding her background and interest in serving; ideas on how to implement arts and culture in the community; arts opportunities at the Nevada State Prison if it opens to the public; whether funding for public art should be raised through fees or taxes or left to the private sector; the best element of the arts and culture master plan; her number one idea to upgrade Carson City's arts and culture community; and the importance of arts and culture to Carson City's economic development. Mayor Crowell provided Ms. Smith the opportunity to comment further, and she discussed the importance of arts and culture to the community.

Mayor Crowell welcomed Mylo McCormick to the meeting table, and provided an overview of the interview process. Mr. McCormick responded to questions regarding his background and his interest in serving; ideas on how to implement arts and culture in the community; arts opportunities at the Nevada State Prison if it opens to the public; whether funding for public arts should be raised through fees or taxes or left to the private sector; his favorite element of the arts and culture master plan; his number one idea

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to upgrade Carson City arts and culture; and the importance of arts and culture to Carson City's economic development initiatives. In response to a question, Mr. McCormick discussed his studies at WNC.

At Mayor Crowell's request, the Board members discussed their preferences. Mayor Crowell entertained a motion. **Supervisor Abowd moved to appoint Christopher Leyva and Milo McCormick to the Cultural Commission's "citizen at large" position, each to fill a three-year term which will expire in January 2021.** Supervisor Barrette seconded the motion.

<b>RESULT:</b>	Approved [5 - 0]
<b>MOVER:</b>	Supervisor Karen Abowd
<b>SECOND:</b>	Supervisor John Barrette
<b>AYES:</b>	Supervisors Abowd, Barrette, Bonkowski, Bagwell, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

**29. PUBLIC COMMENT** - Mayor Crowell entertained public comment; however, none was forthcoming.

**30. ACTION TO ADJOURN** (2:34:57) - Mayor Crowell adjourned the meeting at 2:34 p.m.

The Minutes of the October 4, 2018 Carson City Board of Supervisors meeting are so approved this 18<sup>th</sup> day of October, 2018.

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ROBERT L. CROWELL, Mayor

ATTEST:

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SUSAN MERRIWETHER, Clerk - Recorder