

CARSON CITY CONSOLIDATED MUNICIPALITY
NOTICE OF MEETING OF THE
BOARD OF SUPERVISORS
AND REDEVELOPMENT AUTHORITY

Day: Thursday
Date: June 4, 2020
Time: Beginning at 8:30 am
Location: Community Center, Sierra Room
851 East William Street
Carson City, Nevada

AGENDA

NOTICE TO THE PUBLIC:

The State of Nevada and Carson City are currently in a declared State of Emergency in response to the global pandemic caused by the coronavirus (COVID-19) infectious disease outbreak. In accordance with the Governor's Declaration of Emergency Directive 006, which has suspended the provisions of NRS 241.020 requiring the designation of a physical location for meetings of public bodies where members of the public are permitted to attend and participate, public meetings of Carson City will NOT have a physical location open to the public until such time this Directive is removed.

- Members of the public who wish only to view the meeting but do NOT plan to make public comment may watch the livestream of the Board of Supervisors meeting at www.carson.org/granicus and by clicking on “In progress” next to the meeting date, or by tuning in to cable channel 191.
- The public may provide public comment in advance of a meeting by written submission to the following email address: publiccomment@carson.org. For inclusion or reference in the minutes of the meeting, your public comment must include your full name and be submitted via email by not later than 3:00 p.m. the day before the meeting.
- Members of the public who wish to provide live public comment may do so during the designated public comment periods, indicated on the agenda, via telephonic appearance by dialing the numbers listed below. Please do NOT join by phone if you do not wish to make public comment.

Join by phone:
Phone Number: +1-408-418-9388
Meeting Number: 968 201 303

1. Call to Order - Board of Supervisors
2. Roll Call

3. Invocation - Ken Haskins, First Christian Church

4. Pledge of Allegiance

5. Public Comment:**

The public is invited at this time to comment on and discuss any topic that is relevant to, or within the authority of this public body.

6. For Possible Action: Approval of Minutes - May 7, 2020

7. For Possible Action: Adoption of Agenda

Consent Agenda

All matters listed under the consent agenda are considered routine and may be acted upon by the Board of Supervisors with one action and without an extensive hearing. Any member of the Board may request that an item be taken from the consent agenda, discussed and acted upon separately during this meeting. The Mayor, or the Mayor Pro-Tem, retains discretion in deciding whether or not an item will be pulled off the consent agenda.

8. Community Development - Planning

8.A For Possible Action: Discussion and possible action regarding a request for a Historical Tax Deferment on property located within the Historic District and zoned Residential Office, located at 204 North Minnesota Street, APN 003-192-09. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: The subject property is currently receiving an Open Space Use Assessment, commonly known as the Historic Tax Deferment. There has been a change of ownership, and the new owner is seeking to continue receiving the Historic Tax Deferment.

9. Finance

9.A For Possible Action: Discussion and possible action regarding an application to remove uncollectible accounts receivable specified in the application from the records of Carson City Juvenile Services in a total amount of \$27,762.87. (Sheri Russell, srussell@carson.org)

Staff Summary: NRS 354.256 requires that the Controller apply to the Board for permission to remove uncollectible accounts receivable from the records of the County. NRS 62B.100 to 62B.165, inclusive, give the Board the authority to take appropriate legal action to remedy uncollectible accounts receivable.

9.B For Possible Action: Discussion and possible action regarding the report on the condition of each fund in the treasury and the statements of receipts and expenditures through May 22, 2020, per NRS 251.030 and NRS 354.290. (Sheri Russell, srussell@carson.org)

Staff Summary: NRS 251.030 requires the Chief Financial Officer (for the purpose of the statute acting as the County Auditor) to report to the Board of Supervisors, at each regular meeting thereof, the condition of each fund in the treasury. NRS 354.290 requires the County Auditor to

report to the Board of Supervisors a statement of revenues and expenditures based on the accounts and funds as were used in the budget. A more detailed accounting is available on the City's website – www.carson.org.

10. Purchasing and Contracts

10.A For Possible Action: Discussion and possible action regarding Contract No. 20300006, Clinical Treatment and Counseling Services for Mental Health Court, with Mary Bryan a Licensed Clinician, to be effective July 1, 2020 through June 30, 2021 for an amount not to exceed \$54,000. (Carol Akers, CAkers@carson.org and Max Cortes, MCortes@carson.org)

Staff Summary: Clinical Treatment and Counseling Services is a critical element of the Mental Health Court program to assist with stabilizing and treating the participants. The funding for this contract comes from the Supreme Court of Nevada, Administrative Office of the Courts.

10.B For Possible Action: Discussion and possible action regarding Conflict Counsel Attorney Services Contract No. 20300003 with Walter B. Fey, to be effective July 1, 2020 through June 30, 2023 for an annual amount of \$125,859.24 in year one, with a 3% increase in year two and a 3% increase in year three, to be funded from the General Fund Courts Professional Services/Conflict Account. (Carol Akers, CAkers@carson.org and Max Cortes, MCortes@carson.org)

Staff Summary: The First Judicial District Court and Justice Court judges recommend proceeding with a three-year contract with the current conflict counsel attorney. The current attorney has agreed to waive an increase for year one of the contract. The judges expressed that it is very challenging to find this caliber of attorneys to perform the work for the contracted amount. The conflict counsel attorneys have also taken on more responsibilities to comply with best practices in the Juvenile Court arena.

10.C For Possible Action: Discussion and possible action regarding Conflict Counsel Attorney Services Contract No. 20300004 with Noel S. Waters, to be effective July 1, 2020 through June 30, 2023 for an annual amount of \$125,859.24 in year one, with a 3% increase in year two and a 3% increase in year three, to be funded from the General Fund Courts Professional Services/Conflict Account. (Carol Akers, CAkers@carson.org and Max Cortes, MCortes@carson.org)

Staff Summary: The First Judicial District Court and Justice/Municipal Court judges recommend proceeding with a three-year contract with the current conflict counsel attorney. The current attorney has agreed to waive an increase for year one of the contract. The judges expressed that it is very challenging to find this caliber of attorney to perform the work for the contracted amount. The conflict counsel attorneys have also taken on more responsibilities to comply with best practices in the Juvenile Court arena.

10.D For Possible Action: Discussion and possible action regarding Conflict Counsel Attorney Services Contract No. 20300005 with Daniel J. Spence, to be effective July 1, 2020 through June 30, 2023 for an annual amount of \$125,859.24 in year one, with a 3% increase in year two and a 3% increase in year three, to be funded from the General Fund Courts Professional Services/Conflict Account. (Carol Akers, CAkers@carson.org and Max Cortes, MCortes@carson.org)

Staff Summary: The First Judicial District Court and Justice/Municipal Court judges recommend proceeding with a three-year contract with the current conflict counsel attorney. The current attorney has agreed to waive an increase for year one of the contract. The judges expressed that it is very challenging to find this caliber of attorney to perform the work for the contracted amount. The conflict counsel attorneys have also taken on more responsibilities to comply with best practices in the Juvenile Court arena.

10.E For Possible Action: Discussion and possible action regarding a proposed increase in purchase authority for Sodium Hypochlorite (Bleach), utilizing joinder contract #150063-SK-A through National IPA, for an additional \$35,000 for a new total not to exceed amount of \$335,000 through June 30, 2020 (File No. 1920-007). (Carol Akers, Cakers@carson.org and Andy Hummel, AHummel@carson.org)

Staff Summary: The Carson City Public Works and Parks and Recreation Departments are currently utilizing the joinder contract through National IPA to purchase Sodium Hypochlorite (Bleach) used at the wastewater treatment plant, quill treatment plant and the aquatic center for pool disinfection. The price for the bleach has increased from \$0.997 per gallon to \$1.1466 per gallon. There has also been an increase to usage since the Phase 1A project improvements at the Water Resource Recovery Facility were brought online in 2017. The addition of the bioreactor unit resulted in reduced nutrient loading (nitrogen, ammonia, and phosphorous) in the effluent; however, this requires more bleach for final disinfection as previously the ammonia provided some natural disinfection that is now not occurring.

(End of Consent Agenda)

Ordinances, Resolutions, and Other Items

11. Item(s) pulled from the Consent Agenda will be heard at this time.

12. City Manager

12.A For Possible Action: Discussion and possible action regarding the appointment of one member to the Carson City Audit Committee for a term that expires on December 31, 2021. (Nancy Paulson, npaulson@carson.org)

Staff Summary: CCMC 2.14.030 provides for a five-member Audit Committee, composed of one member from the Board of Supervisors and four members from the public as citizens-at-large. There are two vacancies for citizen-at-large positions. One application meeting eligibility criteria was submitted by Margaret Molina.

13. Purchasing and Contracts

13.A For Possible Action: Discussion and possible action regarding a determination that Edge Communications, Inc., is the lowest responsive and responsible bidder pursuant to NRS Chapter 338 and whether to award Contract No. 19300135, Roop Street Fiber Optic Project to Edge Communications, Inc., for a total not to exceed amount of \$302,237.50. (Carol Akers, CAkers@carson.org and Dan Stucky, DStucky@carson.org)

Staff Summary: This project includes installing 144 strand fiber optic cable along Roop Street and College Parkway in order to connect Fire Station 52 as well as traffic signals along the route into the City's fiber optic network. The original plan was to connect to the training facility located at the Fire Station 52. The contract including connection to the training facility is for the base bid amount of \$282,237.50, plus a contingency amount of \$20,000, for a total amount of \$302,237.50.

13.B For Possible Action: Discussion and possible action regarding a determination that A & K Earth Movers, Inc., is the lowest responsive and responsible bidder pursuant to NRS Chapter 338 and whether to award Contract No. 19300163, Pete Livermore Parking Lot Reconstruction Project, to A & K Earth Movers, Inc., for a total not to exceed amount of \$610,480. (Carol Akers, CAkers@carson.org and Dan Stucky, DStucky@carson.org)

Staff Summary: This project consists of all labor, materials, tools and equipment necessary for the Pete Livermore Sports Complex Parking Lot Reconstruction Project. The project includes pulverizing and reconstructing the asphalt parking lot, re-striping and re-shaping the drainage swale at the east side of the parking lot. The construction contract is for the base bid amount of \$387,000, plus the bid alternate price of \$195,680 (excludes \$8,320 for AC Curb installation), plus an estimated 4.7% contingency amount of \$27,800. The engineer's estimate for construction was \$460,000 for the base bid price.

14. Public Works

14.A For Possible Action: Discussion and possible action regarding, and authorization for the Mayor to sign, an Interlocal Agreement relating to the disposal of processed wastewater solids between Carson City and Lyon County, to be effective December 16, 2020 through June 30, 2030 and generating an estimated \$48,000 to \$96,000 per year in revenue for the Carson City Sanitary Landfill. (Darren Schulz, Dschulz@carson.org and Rick Cooley, RCooley@carson.org)

Staff Summary: Lyon County owns and operates several wastewater treatment plants serving the citizens of Lyon County. The wastewater treatment plants generate and Lyon County needs to dispose of approximately 2,000 to 4,000 tons of processed wastewater solids annually. Lyon County and Carson City currently have an agreement permitting Lyon County to dispose of the solids at the Carson City Sanitary Landfill and this proposed agreement will continue that arrangement. Under the new agreement, Lyon County will reimburse Carson City \$24.00 per ton, the current in-county fee for municipal solid waste, for the processed wastewater solids disposed at the landfill.

14.B For Possible Action: Discussion and possible action regarding a proposed resolution to designate highways or portions of highways as school zones. (Darren Schulz, Dschulz@carson.org and Lucia Maloney, Lmaloney@carson.org)

Staff Summary: Nevada Revised Statute (NRS) 484B.363 and Carson City Municipal Code (CCMC) section 10.28.080 allow the Board of Supervisors to designate school zones. With the Carson City School District and the Carson City Sheriff's Office, staff has reviewed the designated school zones in Carson City, which have not been updated since 1992, and propose changes to the designated school zones. These changes are supported by the Carson City School District, to be implemented in advance of the 2020/2021 school year.

14.C For Possible Action: Discussion and possible action to adopt, on second reading, Bill No. 107, an ordinance amending Title 21 of the Carson City Municipal Code to impose a five cent per gallon diesel tax. (Nancy Paulson, npaulson@carson.org; Lucia Maloney, lmaloney@carson.org and Darren Schulz. dschulz@carson.org)

Staff Summary: The Board of Supervisors is authorized by NRS 373.062 to enact by ordinance a zero to five cent per gallon tax on the sale of diesel fuel within Carson City. The attached proposed ordinance imposes the diesel fuel tax effective August 1, 2020, with a sunset provision for the expiration of the diesel fuel tax on December 31, 2022, unless the continuation of the diesel fuel tax is approved by the voters through a ballot question. The diesel fuel tax would generate approximately an additional \$400,000 annually that would be used for Carson City's roads. The diesel fuel tax is supported by many in the trucking industry as a portion of the proceeds statewide would be used to construct roadside parking for commercial trucks to allow truck drivers to rest in safe areas.

15. Recess as the Board of Supervisors

Redevelopment Authority

16. Call to Order & Roll Call - Redevelopment Authority

17. Public Comment:**

The public is invited at this time to comment on and discuss any topic that is relevant to, or within the authority of this public body.

18. Community Development - Planning

18.A For Possible Action: Discussion and possible action concerning a recommendation to the Board of Supervisors regarding the expenditure of \$17,197 from the Fiscal Year 2021 Redevelopment Revolving Fund to support various arts and culture special events. (Mark Salinas, msalinas@carson.org and Lee Plemel, lplemel@carson.org)

Staff Summary: The Redevelopment Authority annually funds arts and culture special events from a portion of the Revolving Fund. The Cultural Commission received a total of \$17,500 in arts and culture special event funding requests, and a total of \$25,000 has been allocated in the FY 2021 budget for those activities. Application requests include: \$5,000 for Wild Horse Productions' Disney's Moana; \$2,500 for Brewery Art Center's Falsettos; \$5,000 for Carson City Symphony's Concert Series; and \$5,000 for Mile High Jazz Band's Carson City Music & Art Festival. All expenditures from the Redevelopment Revolving Fund (603) must be authorized by Resolution of the Board of Supervisors upon recommendation from the Redevelopment Authority.

19. Public Comment:**

The public is invited at this time to comment on any matter that is not specifically included on the agenda as an action item. No action may be taken on a matter raised under this item of the agenda.

20. For Possible Action: To Adjourn as the Redevelopment Authority

21. Reconvene as the Board of Supervisors

22. Community Development - Planning

22.A For Possible Action: Discussion and possible action regarding a proposed Resolution authorizing the expenditure of \$17,197 from the Fiscal Year 2021 Redevelopment Revolving Fund to support various arts and culture special events as an expense incidental to the carrying out of the Redevelopment Plan. (Lee Plemel, lplemel@carson.org)

PURSUANT TO NRS 279.628, THIS RESOLUTION MUST BE ADOPTED BY A TWO-THIRDS VOTE OF THE BOARD OF SUPERVISORS.

Staff Summary: The Redevelopment Authority annually funds arts and culture special events from a portion of the Revolving Fund. The Cultural Commission received a total of \$17,500 in arts and culture special event funding requests, and a total of \$25,000 has been allocated in the FY 2021 budget for those activities. Application requests include: \$5,000 for Wild Horse Productions' Disney's Moana; \$2,500 for Brewery Art Center's Falsettos; \$5,000 for Carson City Symphony's Concert Series; and \$5,000 for Mile High Jazz Band's Carson City Music & Art Festival. All expenditures from the Redevelopment Revolving Fund (603) must be authorized by Resolution of the Board of Supervisors upon recommendation from the Redevelopment Authority. NRS 279.628 permits the expenditure of money from the Redevelopment Revolving Fund for the purpose of any expenses necessary or incidental to the carrying out of Redevelopment Plans.

22.B For Possible Action: Discussion and possible action to introduce, on first reading, an ordinance approving the fourth addendum to a development agreement between Carson City and Silver Oak Development Company Limited Partnership to modify Article 2.2 Cluster Housing of the Silver Oak Development Agreement, and providing other matters properly related thereto on properties zoned Single Family 12,000 Planned Unit Development (SF-12 P), located on the south side of Silver Oak Drive, east of Siena Drive and Red Leaf Drive, and a parcel located southwest of Eagle Valley Ranch Road, and further identified as APNs 007-552-44, 007-552-38, 007-552-19 and 007-552-41. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: The Silver Oak Planned Unit Development (PUD) was approved on September 16, 1993. The conditions and terms of approval of the PUD were incorporated into a development agreement adopted on January 6, 1994 as Ordinance No. 1994-1. The PUD includes four cluster housing blocks, one of which is already developed. The applicant is seeking to reduce the maximum number of units in Block DD, located south of Silver Oak Drive and east of Siena Drive, from a maximum of 92 units to 64 units. For Blocks "CC," "DD," and "EE," the applicant proposes to eliminate references to zero lot line townhomes and limitations on lot coverage, and to modify the required setbacks. The Board of Supervisors may amend the development agreement. The Planning Commission makes a recommendation to the Board.

22.C For Possible Action: Discussion and possible action to introduce, on first reading, an ordinance amending the Silver Oak Planned Unit Development so as to expand the boundary of Block DD on property zoned Single Family 12,000 Planned Unit Development located south of Silver Oak Drive and East of Siena Drive, APNs 007-552-38 and 007-552-41. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: The Silver Oak Planned Unit Development (PUD) was approved on September 16, 1993. The conditions and terms of approval of the PUD were incorporated into a

development agreement adopted on January 6, 1994 as Ordinance No. 1994-1. The PUD includes four cluster housing blocks, one of which is already developed. The applicant is proposing that the boundary of Block DD be expanded easterly to incorporate .94 acres of designated open space into residential lots. The Board of Supervisors may amend the PUD.

22.D For Possible Action: Discussion and possible action to introduce, on first reading, an ordinance changing the zoning from Public Regional to Multi-Family Apartment on property located at 3410 Butti Way, APN 010-037-04. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: The applicant is seeking to rezone 6.45 acres of the 7.81-acre subject property to Multi-Family Apartment. The eastern portion of the lot, with a width of approximately 427 feet, and a depth of 152 feet would remain zoned Public Regional. The subject property has a Master Plan designation of High Density Residential. The Board of Supervisors is authorized to amend the zoning map.

22.E For Possible Action: Discussion and possible action to adopt, on second reading, Bill No. 106, an ordinance related to improvement districts, establishing provisions to levy the Downtown Neighborhood Improvement District assessment for Fiscal Year 2021 for the maintenance of the Downtown Streetscape Enhancement Project. (Lee Plemel, lplemel@carson.org)

Staff Summary: The Board of Supervisors established the Downtown Neighborhood Improvement District (NID) in January 2016 in order to assess property owners to help pay for the ongoing maintenance of the Downtown Streetscape Enhancement Project improvements. NRS Chapter 271 provides for the annual procedures for implementing a NID assessment, which includes the adoption of an ordinance to levy the assessment. The proposed assessment amount for FY 2021 is \$45,399.

23. Board of Supervisors

23.A For Possible Action: Discussion and possible action regarding directives and recommendations concerning Carson City departmental and staff functions and functions in Carson City as a consolidated municipality in relation to the exercise of emergency powers pursuant to NRS Chapters 244 and 414 and CCMC Chapter 6.02 for the purpose of ensuring the health, safety and welfare in Carson City in response to the global coronavirus (COVID-19) pandemic. (Nancy Paulson, npaulson@carson.org)

Staff Summary: As the status of the global coronavirus is constantly in a state of unpredictability and a rapidly changing landscape with regard to the rate of infection, exposure to infection and the issuance of international, federal and state guidelines and recommendations to mitigate exposure to and the transmission of infectious disease, various staff will present an update on Carson City's role in protecting the health, safety and welfare of its residents. In addition, this item is for the Board of Supervisors to issue, if it elects to do so, certain directives to City staff and departments concerning City-related functions, as well as any recommendations to the public or directives pursuant to the City's emergency powers under a state of emergency in accordance with legal authority expressly granted by state and local law.

24. 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 the members of the Board
Staff comments and status report

-- LUNCH BREAK - RETURN 1:30 P.M. --

25. Community Development - Planning

25.A For Possible Action: Discussion and possible action regarding an appeal of the Planning Commission's decision to amend the conditions of approval of a special use permit for an asphalt plant and aggregate crushing facility known as Tahoe Western Asphalt zoned General Industrial, located at 8013 Highway 50 East, APN 008-611-35. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: In accordance with CCMC 18.02.060, the appellant is appealing the February 26, 2020 decision of the Planning Commission concerning its amendment to conditions of approval related to a Special Use Permit (SUP) for an asphalt plant and aggregate crushing facility. More specifically, the appellant is requesting that the Board of Supervisors: (1) remove the November 20, 2019 SUP requirement that the facility use a regenerative thermal oxidizer; (2) remove the SUP requirement that odors not be detectable beyond the property line of the facility, and replace that requirement with alternative language; (3) remove the SUP condition concerning code enforcement monitoring; (4) find that the use of Ecosorb is effective in mitigating odor emitted from the facility; (5) remove the SUP requirement that a lighting specification must be provided at the time of building permit application; and (6) allow the facility to operate at night and on Sundays, up to 30 times per calendar year.

26. Public Comment:**

The public is invited at this time to comment on any matter that is not specifically included on the agenda as an action item. No action may be taken on a matter raised under this item of the agenda.

27. For Possible Action: To Adjourn

****PUBLIC COMMENT LIMITATIONS** - The Mayor and Supervisors meet at various times as different public bodies: the Carson City Board of Supervisors, the Carson City Liquor and Entertainment Board, the Carson City Redevelopment Authority, and the Carson City Board of Health. Each, as called to order, will provide at least two public comment periods in compliance with the minimum requirements of the Open Meeting Law prior to adjournment. **Although it has been the ordinary practice of these public bodies to provide an opportunity for additional public comment during each specific item designated for possible action on the agenda, public comment will be temporarily limited to the beginning of the agenda before any action is taken and again at the end before adjournment. This policy will remain effective during the period of time the State of Nevada is under a State of Emergency as declared by the Governor due to the COVID-19 pandemic, and is intended to achieve the efficient conduct of meetings while facilitating public participation via telephonic means.** No action may be taken on a matter raised under public comment unless the item has been specifically included on the agenda as an item upon which action may be taken. The Mayor, Mayor Pro-Tem and Chair, also retain discretion to only provide for the Open Meeting Law's minimum public comment and not call for or allow additional individual-item public comment at the time of the body's consideration of the item when: 1) it is deemed necessary by the mayor/chair to the orderly conduct of

the meeting; 2) it involves an off-site non-action facility tour agenda item; or 3) it involves any person's or entity's due process appeal or hearing rights provided by statute or the Carson City Municipal Code.

Agenda Management Notice - Items on the agenda may be taken out of order; the public body may combine two or more agenda items for consideration; and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Titles of agenda items are intended to identify specific matters. If you desire detailed information concerning any subject matter itemized within this agenda, you are encouraged to call the responsible agency or the City Manager's Office. You are encouraged to attend this meeting and participate by commenting on any agenda item.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the City Manager's Office in writing at 201 North Carson Street, Carson City, NV, 89701, or by calling (775) 887-2100 at least 24 hours in advance.

To request a copy of the supporting materials for this meeting contact Janet Busse at jbusse@carson.org or call (775) 887-2100.

This agenda and backup information are available on the City's website at www.carson.org/agendas and at the City Manager's Office - City Hall, 201 N. Carson Street, Ste 2, Carson City, Nevada (775)887-2100.

NOTICE TO PUBLIC: In accordance with the Governor's Emergency Declaration Directive 006 suspending state law provisions requiring the posting of public meeting agendas at physical locations, this agenda was posted electronically at the following Internet websites:

**www.carson.org/agendas
<http://notice.nv.gov>**