

# CARSON CITY BOARD OF SUPERVISORS

## Minutes of the November 5, 2009 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 5, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Mayor Robert Crowell  
Supervisor Robin Williamson, Ward 1  
Supervisor Shelly Aldean, Ward 2  
Supervisor Pete Livermore, Ward 3  
Supervisor Molly Walt, Ward 4

**STAFF:** Larry Werner, City Manager  
Alan Glover, Clerk - Recorder  
Neil Rombardo, District Attorney  
Melanie Bruketta, Chief Deputy District Attorney  
Kathleen King, Recording Secretary

**NOTE:** A recording of these proceedings, the Board's agenda materials, and any written comments or documentation provided to the Clerk during the meeting are 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** (8:31:52) - Mayor Crowell called the meeting to order at 8:31 a.m. Roll was called; a quorum was present. Fountainhead Foursquare Church Pastor Louie Locke provided the invocation. City Treasurer Al Kramer led the pledge of allegiance.

**5. ACTION ON APPROVAL OF MINUTES - October 1, 2009** (8:34:51) - Supervisor Aldean noted a correction to page 20, and moved to approve the minutes, as amended. Supervisor Williamson seconded the motion. Motion carried 5-0.

**6. ADOPTION OF AGENDA** (8:35:37) - Mayor Crowell entertained modifications to the agenda and, when none were forthcoming, deemed the agenda adopted.

**7. PUBLIC COMMENTS AND DISCUSSION** (8:35:47) - Mayor Crowell entertained public comment; however, none was forthcoming.

**8. CONSENT AGENDA** (8:36:20) - Mayor Crowell entertained requests to hear items separate from the consent agenda. Supervisor Livermore requested to separately hear item 8-4(B). Mayor Crowell entertained additional requests and, when none were forthcoming, a motion to adopt the remainder of the consent agenda. **Supervisor Livermore moved approval of the consent agenda, consisting of 13 items: item 8-1(A) and (B) from the Sheriff; item 8-2 from the Treasurer; item 8-3 from Public Works; item 8-4, six items, (A), (C), (D), (E), (F), (G); item 8-5, Parks and Recreation, Resolution No. 2009-R-62; item 8-6, Fire, Resolution No. 2009-R-63; Public Works Planning and Zoning, one item, as published. Supervisor Williamson seconded the motion.** Mayor Crowell entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0.**

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**8-1. SHERIFF**

**8-1(A) ACTION TO APPROVE THE ACCEPTANCE OF THE FY09 RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT 2009-SB-B9-2235 IN THE AMOUNT OF \$123,248.00**

**8-1(B) ACTION TO APPROVE THE ACCEPTANCE OF THE 2009 JUSTICE ASSISTANCE GRANT 2009-DJ-BX-1183 IN THE AMOUNT OF \$29,775.00**

**8-2. TREASURER - ACTION TO APPROVE THE SECURITIES LENDING COUNTERPARTIES, AS PRESENTED**

**8-3. PUBLIC WORKS - ACTION TO RE-NAME AFFECTED PORTIONS OF DAVID STREET AND MOODY STREET TO NORTH STEWART STREET**

**8-4. PURCHASING AND CONTRACTS**

**8-4(A) ACTION TO DETERMINE THAT CONTRACT NO. 0910-105 IS A CONTRACT FOR THE SALE OF SURPLUS PROPERTY TO ANOTHER GOVERNMENTAL ENTITY AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 334.030, AND TO APPROVE CONTRACT NO. 0910-105, A REQUEST FOR THE SALE OF THE LISTED CITY SURPLUS PROPERTY TO NORTH LYON COUNTY FIRE PROTECTION DISTRICT FOR \$10,000.00**

**8-4(B) ACTION TO AUTHORIZE THE USE OF RFP HY07-09 FOR THE PURCHASE OF WINTER EQUIPMENT AND SUPPLIED HYDRAULICS THROUGH MONROE TRUCK EQUIPMENT; WHICH RFP WAS APPROVED BY WINNEBEGO COUNTY WISCONSIN HIGHWAY COMMISSION, THEREFORE IS EXEMPT FROM COMPETITIVE BIDDING, PURSUANT TO NRS 332.115(1)(m) AND NRS 332.195, PROVIDING CARSON CITY'S APPROVED FUNDING AND PURCHASING PROCEDURES ARE FOLLOWED; AND TO BE FUNDED FROM STREET MAINTENANCE EQUIPMENT FUND, WATER MAINTENANCE EQUIPMENT FUND, AND STORM WATER MAINTENANCE EQUIPMENT FUND, AS PROVIDED FOR IN FY 2009 / 2010 (9:17:44) - Deputy Public Works Director Ken Arnold introduced this item. Purchasing and Contracts Coordinator Sandy Scott responded to questions of clarification regarding the bid documents included in the agenda materials. Supervisor Aldean provided additional clarification by reading into the record a portion of the August 7, 2009 letter, addressed to Public Works Operations Chief Darren Selby. Mr. Werner provided additional clarification, and acknowledged that the two snow plows will replace "worn out" snow plows. Discussion followed, and Mr. Werner advised that "these last two have been taken to the point that we can hardly keep them on the road anymore." He acknowledged that the snow plows "are upgrades" in consideration of the "different character of street" which will be plowed as a result of the NDOT street relinquishments. He further acknowledged that the vehicles were included as part of the capital projects budget approved by the Board. Mr. Arnold agreed to meet with Supervisor Livermore to view the two vehicles which will be disposed.**

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to authorize Public Works to utilize RFP HY07-09 for the purchase of winter equipment and supplied hydraulics through Monroe Truck Equipment; which RFP was approved by Winnebago County, Wisconsin Highway Commission, therefore, is exempt from competitive**

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bidding pursuant to NRS 332.115(1)(m) and NRS 332.195, providing Carson City's approved funding and purchasing procedures are followed; and to be funded from Street Maintenance Equipment fund, Water Maintenance Equipment fund, and Storm Water Maintenance Equipment fund, as provided in FY 2009 / 2010. Supervisor Aldean seconded the motion. Motion carried 5-0.

**8-4(C) ACTION TO DETERMINE THAT CONTRACT NO. 0910-111 IS A CONTRACT FOR THE SERVICES OF A PROFESSIONAL ENGINEER, THAT THE SELECTION WAS MADE ON THE BASIS OF THE COMPETENCE AND QUALIFICATIONS OF THE ENGINEER FOR THE TYPE OF SERVICES TO BE PERFORMED AND NOT ON THE BASIS OF COMPETITIVE FEES AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 625.530; AND TO APPROVE CONTRACT NO. 0910-111 WITH MANHARD CONSULTING, LTD. TO PROVIDE ENGINEERING SERVICES TO ESTABLISH A UNIFORM CONTROL NETWORK WITH READILY AVAILABLE CONTROL POINTS / BENCHMARKS FOR CARSON CITY THROUGH OCTOBER 30, 2010, FOR A NOT-TO-EXCEED COST OF \$127,571.00 TO BE FUNDED FROM VARIOUS PUBLIC WORKS ACCOUNTS, AS PROVIDED IN FY 2009 / 2010**

**8-4(D) ACTION TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND TO APPROVE THE RELEASE OF FINAL PAYMENT IN THE AMOUNT OF \$10,731.85 FOR CONTRACT NO. 0809-134, TITLED CARSON CITY WATERFALL FIRE WATERSHED IMPROVEMENTS - PHASE I TO LYN MARIE TRUCKING, INC.**

**8-4(E) ACTION TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND TO APPROVE THE RELEASE OF FINAL PAYMENT IN THE AMOUNT OF \$19,006.28 FOR CONTRACT NO. 0809-224, TITLED CITY HALL ROOF REPLACEMENT TO D&D ROOFING AND SHEET METAL**

**8-4(F) ACTION TO AUTHORIZE ALL CITY DEPARTMENTS TO UTILIZE RFP-1749 FOR BROWNFIELD PROGRAM - ENVIRONMENTAL CLEAN-UP SERVICES THROUGH MCGINLEY AND ASSOCIATES, INC. WHICH RFP-1749 WAS APPROVED BY THE NEVADA BOARD OF EXAMINERS AND WHICH IS EXEMPT FROM COMPETITIVE BIDDING, PURSUANT TO NRS 332.115(1)(m) AND NRS 332.195, PROVIDING CARSON CITY'S APPROVED FUNDING AND PURCHASING PROCEDURES ARE FOLLOWED (FILE NO. 0910-107**

**8-4(G) ACTION TO DETERMINE THAT CONTRACT NO. 0910-094 IS A CONTRACT FOR SUPPLIES, MATERIALS, OR EQUIPMENT THAT ARE AVAILABLE PURSUANT TO AN AGREEMENT WITH A VENDOR THAT HAS ENTERED INTO AN AGREEMENT WITH THE GENERAL SERVICES ADMINISTRATION OR ANOTHER GOVERNMENTAL AGENCY LOCATED WITHIN OR OUTSIDE THIS STATE AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 0910-094, A REQUEST FOR THE PURCHASE OF COMPUTER HARDWARE AND SOFTWARE AT CDW GOVERNMENT, INC. FROM NOVEMBER 5, 2009 THROUGH JANUARY 31, 2010, ON AN AS-NEEDED BASIS TO BE FUNDED FROM VARIOUS CITY ACCOUNTS, AS PROVIDED IN FY 2009 / 2010**

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**8-5. PARKS AND RECREATION - ACTION TO ADOPT A RESOLUTION APPROVING A RECREATIONAL TRAILS PROGRAM (“RTP”) PROJECT AGREEMENT BETWEEN CARSON CITY BOARD OF SUPERVISORS AND STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF STATE PARKS, FOR THE URBAN FISHING POND PROJECT LOCATED AT THE CARSON CITY FAIRGROUNDS/FUJI PARK**

**8-6. FIRE - ACTION TO ADOPT A RESOLUTION ADOPTING AND APPROVING AN INTERLOCAL CONTRACT BETWEEN CARSON CITY, A CONSOLIDATED MUNICIPALITY AND POLITICAL SUBDIVISION OF THE STATE OF NEVADA, ON BEHALF OF THE CARSON CITY FIRE DEPARTMENT AND NORTH LYON COUNTY FIRE PROTECTION DISTRICT, TO ALLOW THOSE INDIVIDUALS WHO ARE MEMBERS OF THE SUBSCRIPTION PROGRAMS TO RECEIVE MEMBERSHIP BENEFITS IN EITHER JURISDICTION, AND OTHER MATTERS PROPERLY RELATED THERETO**

**8-7. PUBLIC WORKS DEPARTMENT PLANNING AND ZONING DIVISION - ACTION TO APPROVE A REQUEST FOR A TWO-YEAR EXTENSION FOR A TENTATIVE PLANNED UNIT DEVELOPMENT KNOWN AS EAGLE VILLAGE, LOCATED ON 3.66 ACRES NORTH OF EAGLE STATION LANE, APNs 009-123-38 AND -39, TO REMAIN VALID AND THE FILING TIME FRAME FOR A FINAL MAP TO BE EXTENDED TO JANUARY 20, 2012 (TPUD-05-191)**

**9. RECESS BOARD OF SUPERVISORS (8:38:37) - Mayor Crowell recessed the Board of Supervisors.**

**LIQUOR AND ENTERTAINMENT BOARD**

**10. CALL TO ORDER AND ROLL CALL (8:38:39) - Chairperson Crowell called the Liquor and Entertainment Board to order at 8:38 a.m. Roll was called; a quorum was present, including Member Furlong.**

**11. ACTION ON APPROVAL OF MINUTES - October 1, 2009 (8:39:22) - Member Aldean moved to approve the minutes, as presented. Member Williamson seconded the motion. Motion carried 6-0.**

**12. PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION**

**12(A) ACTION TO APPROVE STEPHEN TAYLOR AS THE LIQUOR MANAGER FOR A PACKAGED LIQUOR LICENSE FOR MAVERIK, INC., LOCATED AT 1451 COLLEGE PARKWAY, CARSON CITY; LIQUOR LICENSE NO. 10-26858 (8:39:53) - Chairperson Crowell introduced this item. Principal Planner Jennifer Pruitt reviewed the agenda report, noting that Mr. Taylor currently holds other liquor licenses in the State of Nevada and in the State of Idaho. She further noted staff’s recommendation of approval.**

(8:41:03) Stephen Taylor provided background information on Maverik, Inc. In response to a question, Mr. Taylor advised that Maverik, Inc. has “a complete training program,” and that employees will be attending a local training program. He advised of “pretty strict rules,” and that “every employee that comes

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to work on every shift every day has to go through a training form and sign their name that they are responsible for that day ... plus we have store training probably about every two weeks ... and then we have other training in large groups ...” Mr. Taylor discussed his experience in Idaho and Nevada.

Member Williamson welcomed Mr. Taylor to Carson City. Member Furlong acknowledged the Sheriff’s Office had completed the necessary background investigation. Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Williamson moved to approve Stephen Taylor as the liquor manager for a packaged liquor license, number 10-26858, for Maverik, Inc. located at 1451 College Parkway, Carson City. Member Livermore seconded the motion. Motion carried 6-0.** Chairperson Crowell wished Mr. Taylor good luck. Mr. Taylor advised that Maverik, Inc. will hire locally, and he will be on site to train the new managers. He anticipates hiring 15 to 20 employees.

**12(B) ACTION TO APPROVE DAVID TATE AS THE LIQUOR MANAGER FOR A TAVERN / BAR LIQUOR LICENSE FOR WOODY’S, LOCATED AT 1987 NORTH CARSON STREET, #75, CARSON CITY; LIQUOR LICENSE NO. 10-26877** (8:45:07) - Chairperson Crowell introduced this item. Ms. Pruitt reviewed the agenda report, and advised that Mr. Tate holds other liquor licenses in Carson City. She noted staff’s recommendation of approval.

(8:45:45) In response to a question, Mr. Tate advised that business is “pretty good.” In response to a further question, he advised that his other liquor licenses are for Cactus Jack’s Senator’s Club and for the Comstock Casino. He discussed plans for the location previously known as the Silver Dollar Casino. In response to a question, Mr. Tate advised that the sale of alcohol to minors is not allowed in his establishments, and he recognized it as a serious issue. He discussed in-house training programs which bartenders and managers are required to attend. He advised of a recent citation issued to a bartender at Cactus Jack’s, and that said bartender has been warned that another citation will result in the loss of his employment position. In response to a further question, he discussed the current renovation of Woody’s, which he anticipates opening in January. In response to a further question, he described the location of Woody’s. Member Williamson welcomed Mr. Tate. In response to a question, he estimated there are currently 65 employees in his establishments, and anticipates the number will increase to 95. In response to a comment, he discussed an interest in hiring more employees.

Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Walt moved to approve David Tate as the liquor manager for a tavern / bar liquor license, number 10-26877, for Woody’s located at 1987 North Carson Street, #75, Carson City. Member Williamson seconded the motion. Motion carried 6-0.**

**12(C) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-10549, HELD BY ARTHUR SKIPWORTH DBA EAGLE VALLEY MARKET, LOCATED AT 933 WOODSIDE DRIVE, CARSON CITY, NEVADA, PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE RELATED TO THE SALE OF LIQUOR AT THE LICENSED PREMISES; THIS ACTION MAY INCLUDE THE IMPOSITION OF A FINE OF UP TO \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR ATTEND THE SHERIFF’S OFFICE**

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**ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING; IF THE LICENSEE AND RELEVANT EMPLOYEES ARE REQUIRED TO ATTEND THE ALCOHOL SERVERS TRAINING PROGRAM, THE LICENSEE WILL BE REQUIRED TO SUBMIT A LIST OF ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR TO THE PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION NO LATER THAN SEVEN DAYS FROM THE COMPLETION OF THE TRAINING; IF THE LICENSEE FAILS TO SUBMIT THE LIST OF EMPLOYEES WITHIN SEVEN DAYS, THIS MATTER WILL BE RESCHEDULED FOR THE NEXT CARSON CITY LIQUOR BOARD MEETING TO SHOW CAUSE AS TO WHY FURTHER DISCIPLINARY ACTION SHOULD NOT BE IMPOSED**

(8:52:09) - Chairperson Crowell introduced this item, and Ms. Pruitt reviewed the agenda report. (8:54:27) In response to a question, Arthur Skipworth advised of having implemented new policies following the citations, which he described as “based on inattention ...” Mr. Skipworth described his business as a neighborhood store, and advised that “we have about the same 400 customers every day.” He acknowledged the seriousness of the matter, and stated “this is my livelihood; this is the livelihood of my employees who have been with me for years.” He described himself as a “responsible retailer,” and explained that he does not sell items which can be used as drug paraphernalia. He reiterated that he had implemented a new policy, based on a State of Washington training program. He advised that he and his “newest employee” will attend “alcohol compliance training” on Monday, November 9<sup>th</sup>. In response to a question, he advised of having been in business for the last 13 years. In response to a further question, he advised that the first citation was issued in February 2009. He explained the circumstances giving rise to the most recent citation.

Chairperson Crowell entertained board member and public comments and, when none were forthcoming, a motion. **Member Walt moved to impose disciplinary action against liquor license 10-10549 held by Arthur Skipworth dba Eagle Valley Market, located at 933 Woodside Drive, Carson City, Nevada, pursuant to CCMC 4.13.150; this disciplinary action is based on the issuance of a citation for a second offense criminal statute violation within six months of the first citation issuance related to the sale of liquor at the licensed premises; this action includes the imposition of a fine of \$500.00 on the licensee and the requirement that the licensee and all employees selling, dispensing, or serving liquor attend the Sheriff’s Office alcohol servers training program within three months of this hearing; if the licensee and the relevant employees are required to attend the alcohol servers training program, the licensee will be required to submit a list of all employees selling, dispensing, or serving liquor to the Public Works Department business license division no later than seven days from completion of the training; if the licensee fails to submit the list of employees within seven days, this matter will be rescheduled for the next Carson City Liquor and Entertainment Board meeting to show cause as to why further disciplinary action should not be imposed. Member Williamson seconded the motion.** Member Aldean expressed appreciation for Mr. Skipworth’s sincerity and for the corrective measures he had implemented. Member Williamson concurred, and expressed appreciation for Mr. Skipworth’s limiting the sale of merchandise which may be used as drug paraphernalia. She discussed the importance of consistency, and expressed support for Mr. Skipworth’s business in the community. She cautioned him to be aware that a compliance check would likely be conducted within the next six months, and encouraged implementation of the new policies he had described. Mr. Skipworth advised that two other employees are scheduled for alcohol server training during the first week in January. Chairperson Crowell called for a vote on the pending motion; **motion carried 6-0.**

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**12(D) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-12174, HELD BY PACPIZZA, LLC DBA PIZZA HUT, LOCATED AT 2441 NORTH CARSON STREET, CARSON CITY, NEVADA, PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE RELATED TO THE SALE OF LIQUOR AT THE LICENSED PREMISES; THIS ACTION MAY INCLUDE THE IMPOSITION OF A FINE OF UP TO \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR ATTEND THE SHERIFF'S OFFICE ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING; IF THE LICENSEE AND RELEVANT EMPLOYEES ARE REQUIRED TO ATTEND THE ALCOHOL SERVERS TRAINING PROGRAM, THE LICENSEE WILL BE REQUIRED TO SUBMIT A LIST OF ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR TO THE PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION NO LATER THAN SEVEN DAYS FROM THE COMPLETION OF THE TRAINING; IF THE LICENSEE FAILS TO SUBMIT THE LIST OF EMPLOYEES WITHIN SEVEN DAYS, THIS MATTER WILL BE RESCHEDULED FOR THE NEXT CARSON CITY LIQUOR BOARD MEETING TO SHOW CAUSE AS TO WHY FURTHER DISCIPLINARY ACTION SHOULD NOT BE IMPOSED (9:00:57)** - Chairperson Crowell introduced this item. Business License Technician Lena Tripp read the title of the agenda item into the record, and reviewed the agenda materials. Chairperson Crowell called for a Pacpizza, LLC representative; however, none was forthcoming.

Chairperson Crowell entertained public comment; however, none was forthcoming. He suggested that, consistent with the board's actions, a fine should be imposed on Pacpizza, LLC accompanied by a letter indicating the board's action; that the citation should be served on the corporation as well as the resident agent; and that, if payment is not received within thirty days, the matter should be re-agendized for review by the board. Member Livermore provided background information on corporate ownership of Pizza Hut, and discussed the importance of holding local retailers responsible. He expressed shock that no representative of Pacpizza, LLC or Pizza Hut was present. He suggested issuing notice for a representative to appear at the next meeting, with suspension of the liquor license being the result of a failure to appear. Discussion followed, and Member Aldean suggested the possibility of extenuating circumstances. In consideration of the difficult economic times, she further suggested determining the reason a representative failed to attend the meeting. Member Furlong discussed his policy to meet with business owners / operators following "all second offenses." He advised that both the district manager and the local Pizza Hut manager had attended a meeting with him. Member Furlong agreed with Member Livermore's concerns.

In response to a question, Mr. Rombardo advised of having been unable to find any authority to withdraw the liquor license based on failure to appear. He reviewed the provisions of the Carson City Municipal Code allowing imposition of a fine of up to \$500 and the requirement of alcohol server training within three months of the hearing. Discussion followed. Chairperson Crowell reiterated that, if the fine and the requirement to attend alcohol servers training is acted upon by the board, notification should be provided to the corporate headquarters and to the resident agent, as well as requiring a representative to appear at the next board meeting. Additional discussion followed.

Chairperson Crowell entertained a motion. **Member Aldean moved to impose disciplinary action against liquor license no. 10-12174 held by Pacpizza, LLC dba Pizza Hut, located at 2441 North Carson Street, Carson City, Nevada, pursuant to CCMC 4.13.150; this disciplinary action is based**

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on the issuance of a citation for a second offense criminal statute violation within six months of the first citation issuance related to the sale of liquor at the licensed premises; this action shall include the imposition of a fine of up to \$500 on the licensee and the requirement that the licensee and all employees selling, dispensing, or serving liquor attend the Sheriff's Office alcohol servers training program within three months of this hearing; the licensee shall submit a list of all employees selling, dispensing, or serving liquor to the Public Works Department business license division no later than seven days from the completion of the training; if the licensee fails to submit the list of employees within seven days, this matter will be rescheduled for the next Carson City Liquor Board meeting to show cause as to whether further disciplinary action should be imposed. Member Williamson seconded the motion. In response to a question, Member Aldean agreed to amend her motion to include Chairperson Crowell's direction. Member Aldean so amended her motion. Member Williamson continued her second. Chairperson Crowell refined the direction to indicate that the designated liquor manager for the subject Pizza Hut should be requested to appear at the next board meeting. Additional discussion followed, and Mr. Rombardo responded to questions of clarification regarding the applicable provisions of the Carson City Municipal Code. Chairperson Crowell called for public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 6-0.**

**13. ACTION TO ADJOURN THE LIQUOR AND ENTERTAINMENT BOARD (9:17:20)** - Member Livermore moved to adjourn the Liquor and Entertainment Board at 9:17 a.m. Member Williamson seconded the motion. Motion carried 6-0.

**14. RECONVENE BOARD OF SUPERVISORS (9:17:32)** - Mayor Crowell reconvened the Board of Supervisors.

#### ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

**15. ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (9:17:35)** - Please see the minutes for consent agenda item 8-4(B).

**16. CITY MANAGER - REQUEST FOR ADOPTION OF A RESOLUTION CALLING FOR A SPECIAL ELECTION TO FILL THE FUTURE VACANCY OF THE POSITION OF JUSTICE OF THE PEACE, DEPARTMENT 1, BASED ON JUDGE WILLIS' RESIGNATION LETTER (9:27:46)** - Mayor Crowell introduced this item, and Mr. Werner reviewed the agenda report. At Mayor Crowell's request, Mr. Glover reviewed the statutory provisions requiring publication of vacant offices. In response to a further question, Mr. Glover read into the record the provisions of NRS 4.150(1)(b). In response to a question, Mr. Rombardo advised that general election rules do not apply to special election rules. He acknowledged Judge Willis' right to withdraw his resignation up to January 4, 2011. He expressed the opinion that the statute clearly indicates the "vacancy must occur" prior to the Board taking any action, but advised that he had requested an Attorney General's opinion.

(9:35:26) Municipal Court Justice Robey Willis read into the record a portion of a recent *Nevada Appeal* article. He expressed understanding of Mr. Rombardo's statements and of Supervisor Aldean's question, and advised that he had hired former District Court Judge Michael Fondi to represent him in this matter. He expressed agreement with Mr. Rombardo having requested an Attorney General's opinion, and suggested it will likely be "cautionary." He expressed the opinion that the real issue is a matter of trust based on his record of service over the past forty years in the community.

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Mayor Crowell requested Judge Fondi to provide an opinion as to whether or not Judge Willis' letter of resignation, as drafted, creates a vacancy on November 2, 2010. Mayor Crowell emphasized that trusting Judge Willis is not the issue. Of concern is whether or not the letter is effective to create a vacancy on the date of the election. Mayor Crowell expressed concern that "if we're not very careful about it ..., and you have an election, ... and it's later determined not to be a vacancy, we may have built into our judicial system an error that every defense attorney is going to raise -- that there was an election of a judge where there was no vacancy." He expressed appreciation for Judge Willis providing the City the option. Judge Willis discussed the importance of people being "able to have the right to vote for this position rather than [the Board] making an appointment." Mayor Crowell expressed appreciation for Judge Willis' public service in the community over the years.

Mayor Crowell entertained public comment; however, none was forthcoming. Mr. Rombardo emphasized there had been no opinion issued from the District Attorney's office, and the importance of ensuring the Board's action is legal. Mayor Crowell entertained a motion. Supervisor Aldean expressed apology to Judge Willis in consideration of any appearance of casting aspersions on his character. She expressed confidence in his sincerity, and noted the importance of ensuring "we're on solid legal ground." **Supervisor Aldean moved to continue this matter until such time as the District Attorney's office has received the Attorney General's opinion with respect to holding a special election during the next election cycle. Supervisor Walt seconded the motion. Motion carried 5-0.**

#### 17. DEPARTMENT OF ALTERNATIVE SENTENCING

**17(A) ACTION TO APPROVE THE STATE OF NEVADA DEPARTMENT OF PUBLIC SAFETY OFFICE OF TRAFFIC SAFETY PROJECT NUMBER 210-K8-18-14, GRANT AWARD OF \$56,325.00 FOR THE PERIOD OF OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010, TO FUND A CASE MANAGER POSITION, and 17(B) ACTION TO APPROVE THE DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS GRANT AWARD OF \$329,032 FOR THE PERIOD OF SEPTEMBER 1, 2009 THROUGH AUGUST 30, 2012, FOR THE WESTERN REGIONAL DUI COURT (9:43:28)** - Mayor Crowell introduced this item. Court Administrator Max Cortes introduced Alternative Sentencing Department Chief Rory Planeta, and provided an overview of the purpose of these items. Chief Planeta reviewed the agenda reports. In response to a question, he advised that the first third-time DUI offender reported to the Department of Alternative Sentencing on January 2, 2008. He provided additional detail on the third-time DUI offender rehabilitation program. Ms. Cortes provided additional information on the grant program and funding, and responded to corresponding questions of clarification.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to approve the State of Nevada Department of Public Safety, Office of Traffic Safety, project number 210-K8-18-14, grant award of \$56,325.00 for the period October 1, 2009 to September 30, 2010 to fund a case manager position. Supervisor Aldean seconded the motion. Motion carried 5-0.**

Mayor Crowell entertained additional discussion and public comment regarding item 17(B). When none was forthcoming, he entertained a motion. **Supervisor Aldean moved to approve the Department of Justice, Office of Justice Programs grant award of \$329,032 for the period of September 1, 2009 through August 30, 2012 for the Western Regional DUI Court. Supervisor Williamson seconded the motion. Motion carried 5-0.**

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**18. TREASURER - PRESENTATION OF UPDATED CITY INVESTMENT POLICY AND ACTION TO ACCEPT THE POLICY AS PRESENTED (9:55:39)** - Mayor Crowell introduced this item. City Treasurer Al Kramer reviewed the agenda materials, and responded to corresponding questions of clarification. Mayor Crowell commended Mr. Kramer on considering “ways to maintain and earn money in these difficult times.” Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to accept the policy, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.**

**19. PUBLIC WORKS DEPARTMENT PLANNING AND ZONING DIVISION - ACTION REGARDING AN APPEAL OF THE PLANNING COMMISSION’S DECISION DENYING A VARIANCE APPLICATION, VAR-09-071, FROM AURELIO ACEBEDO TO REDUCE THE REQUIRED SIDE PROPERTY LINE SETBACK FROM NINE FEET TO THREE FEET TO ALLOW AN EXISTING PATIO COVER, ON PROPERTY ZONED SINGLE FAMILY 6,000, LOCATED AT 1050 GLACIER DRIVE, APN 010-432-18 (9:58:18)** - Mayor Crowell introduced this item, Planning Division Director Lee Plemel provided an overview, and Principal Planner Jennifer Pruitt reviewed the agenda materials in conjunction with displayed slides. In response to a question, Ms. Pruitt advised that the project “looked just like it looks today” at the time it was red tagged. She acknowledged that Mr. Acebedo did not continue to work on the project following issuance of the red tag.

(10:10:42) In reference to his August 14, 2009 letter included in the agenda materials, Aurelio Acebedo acknowledged a request for the Board to approve the variance. He advised of having spent 18 months building the patio cover, and “spent a lot of money on it.” In response to a previous question, he advised that no water drains from the roof of the structure directly onto the adjacent property.

In response to a question referencing a statement in Mr. Acebedo’s August 14, 2009 letter, Ms. Pruitt expressed the understanding that Mr. Acebedo had not spoken with any City employee prior to building the structure. Mr. Acebedo acknowledged never having spoken to City employees. He had inquired of friends regarding the requirement for a building permit. In response to a question, Ms. Pruitt advised that the engineering specifications included in the agenda materials were provided after Mr. Acebedo applied for the building permit. In response to a further question, Ms. Pruitt advised that she has never seen any barbecues, fire pits, or any item which would pose a fire danger under the patio cover. She referred to comments from the Fire Department included in the agenda materials. Mr. Plemel advised that, other than the setback issues, the structure meets all other building and fire code requirements. Ms. Pruitt acknowledged the only objection was from a property owner who owns rental properties in the same neighborhood. Ms. Pruitt further acknowledged that the structure could be modified with the investment of additional funds and time. She further acknowledged that the next-door neighbor had not provided any comments regarding the variance process.

(10:16:23) Mr. Acebedo reiterated that he had invested a great deal of money in the structure, and requested the Board to approve the variance application. He offered to pay a fine, and explained the necessity of “tearing everything down” in order to modify the structure.

In response to a question, Ms. Pruitt reviewed the Carson City Municipal Code provisions pertinent to variance processes. She acknowledged that, pursuant to the public noticing process, notices were mailed to 62 adjacent property owners and only one e-mail was sent in response. In response to a question, Mr. Acebedo expressed the understanding that his immediately adjacent neighbors own their properties. Ms.

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Pruitt acknowledged that the variance would allow for the structure to be considered legally built, upon completion of the building permit process. She explained that the Planning Division has not signed off on the building permit due to the setback issue. In response to a question, Ms. Pruitt advised that the roof line of the structure is not three feet from the fence. The overhang can encroach by two feet pursuant to the code. In response to a further question, she explained that the “overhang for the eave is not the issue.” Setback is measured to the structural element which she pointed out on a displayed slide.

Mayor Crowell entertained public comment; however, none was forthcoming. He reviewed the Planning Commission’s decision and the Board’s purview over this matter, and entertained a motion. Supervisor Williamson emphasized that her motion did not indicate an error on the part of the Planning Commission and **moved to reverse the Planning Commission’s decision and approve the variance request, VAR-09-071, subject to the recommended conditions as presented by staff. Supervisor Aldean seconded the motion.** Supervisor Walt commended the structure, but discussed the importance of abiding by the regulations delineated in the Carson City Municipal Code. Supervisor Livermore expressed regret over the applicant’s investment of time and money, but advised he would not support the motion “because it sends different signals to different neighbors.” Supervisor Aldean agreed that the hardship is self-imposed and that “ignorance is no defense.” She commended the structure as “nicely executed,” and advised of having been initially confused over the staggered setbacks in the subject neighborhood as the “posts that support the roof ... are within that ...” She suggested that “a logical person would think, ‘Well, I’ve got three feet on one side. I should be entitled to build within three feet on the other side.’” She commended the applicant on “pride of ownership” in the care of his property, and acknowledged the time and effort invested in constructing the patio cover. She suggested considering a penalty provision in the code, and expressed the opinion that the applicant is due “a little latitude ... under the circumstances.”

Mr. Plemel noted that the standard conditions of approval for variances had been distributed to the Board members and staff. He acknowledged an earlier statement that the Planning Commission has a different role than the Board of Supervisors, but noted the requirement for the Board to make findings consistent with Title 18 to approve the variance. He noted the Planning Commission’s finding that there were no special circumstances specific to the subject property to warrant granting the variance. He requested the Board to make findings of special circumstances applicable to this property that warrant approval of the variance. He referred to page 4 of the agenda materials. **Supervisor Williamson amended her motion to include the findings of special circumstances pursuant to Section 18.02.085(5) due to the staggered setbacks; the strict application of the zoning would deprive the property of privileges enjoyed by other properties and will not adversely affect the material degree of health or safety of persons living or working in the neighborhood of the subject property. Supervisor Aldean continued her second.** Mayor Crowell commended the structure, and expressed concern that it represents a violation of the municipal code. He called for a vote on the pending motion. **Motion failed 2-3.**

Mayor Crowell entertained a motion. **Supervisor Livermore moved to find that the appeal, as presented by the applicant, has no merit and the Board of Supervisors hereby denies the applicant’s request and upholds the Planning Commission’s decision. Supervisor Walt seconded the motion. Motion carried 3-2.** Mayor Crowell encouraged Mr. Acebedo to work with the Planning Division to modify the structure. At Mr. Werner’s request, Mayor Crowell recessed the meeting at 10:33 a.m.

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**20. OFFICE OF BUSINESS DEVELOPMENT - PRESENTATION OF A CONCEPTUAL DEVELOPMENT PROJECT BY CARSON NUGGET, INC. AND ACTION TO AUTHORIZE STAFF TO PARTICIPATE IN THE PREPARATION OF A DETAILED SCOPE FOR THE PROPOSED PROJECT (10:49:18)** - Mayor Crowell reconvened the meeting at 10:49 a.m., and introduced this item. Business Development Manager Joe McCarthy and Deputy Business Development Manager Tammy Westergard introduced themselves for the record. Mr. McCarthy distributed to the Board members and staff copies of a PowerPoint presentation, and narrated the same.

(10:55:44) Carson City Nugget Vice President Steve Neighbors provided background information on the project, and requested the Board to consider presentation of “more detail at a later time.” He advised that the project “will ... be focused on bringing in additional industry and jobs to Carson City. It isn’t about a bigger casino, it’s not about what we can do for ourselves, but we really want to take a long-term, balanced stakeholder world view.” Mr. Neighbors discussed his experience as a “turnaround practitioner,” the resources which the Nugget and the Mae B. Adams Trust may be able to contribute to the proposed project, and Mae B. Adams’ philosophies behind such a project. [Supervisor Walt left the meeting room at 11:03 a.m. A quorum was still present.] Mr. Neighbors introduced Robert Hartman.

(11:06:04) Robert Hartman provided background information on his experience in the field of technology, and discussed opportunities to bring technology, specifically digital media-related companies, to this area. He suggested the possibility of developing a digital lab in the area of the plaza, and advised of the opportunity to bring approximately four different animation-related projects to Carson City. He discussed the intent, from the perspective of possibility, to “create a critical mass by bringing some of these kinds of companies here and have the companies focus on a technology that is not just today, but for tomorrow and for the future. It’s an investment in the future.” He noted the nexus with the educational component. “The intent with a [digital] lab would be to ... have an internship and begin to learn the craft or the trade and work on a ... commercial project.” He discussed corresponding salary levels. He reviewed the proposal for an “anchor library,” a business and technology incubator, and a digital lab. He discussed the importance of employing “local people” for the actual construction. He introduced Mark Lewis.

(11:17:13) Mark Lewis provided background information on his experience building public / private partnerships, and discussed his involvement in developing the Reno Aces ballpark. He discussed the opportunity to “put together partners within the community that can leverage their assets ... and make a very significant difference ...” He advised of having conducted preliminary due diligence on the project, and expressed the belief that “all the pieces are there and the project is feasible and can be accomplished if we all work together.” In response to a question, Mr. Lewis suggested this as the “perfect time” because of the opportunities represented by the partners and the economy. Discussion followed and, in response to a further question, Mr. Hartman discussed the benefits of Carson City’s location in consideration of proximity to such places as the Silicon Valley, Hollywood, and the Bay Area; Carson City’s quality of life and cost of living. Mr. Lewis discussed the importance of community partners such as the Library, the University, and the hospital.

Mayor Crowell discussed the opportunities represented by the airport improvements, the freeway, the V&T Railway, the possibility of a state-of-the-art landfill with the potential to recycle 75 percent of the community’s waste, the open space created by the recently-passed lands bill, the medical facilities, and Western Nevada College. He discussed the importance of leveraging “what we have ... for a new era.” Supervisor Livermore commended the Mayor’s foresight and the project consultants on their presentation.

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Mr. Lewis acknowledged the “great manufacturing base,” and expressed the hope to “build on that base and get them to participate in this new renaissance ...” He anticipates the opportunity for the manufacturers to “contribute more and more as the economy ... grows.” He expressed the belief that “as this project is successful, it’ll have many benefits, not only to the manufacturing base but to the retail base and to the community as a whole.” He discussed the importance of the community’s youth being able to “grow up in this community, ... go to college in this community, and then stay in this community and contribute throughout their lives.” [Supervisor Walt returned to the meeting room at 11:32 a.m.]

Carson City Library Director Sara Jones narrated that portion of the PowerPoint presentation pertinent to the Library. Mr. McCarthy continued narrating the PowerPoint presentation, including the recommendations, and requested the Board’s direction to move forward.

Mayor Crowell thanked Mr. McCarthy and each of the presenters. He opened this item to public comment. (11:53:13) Carson Nugget Owner Alan Adams emphasized that the project “really isn’t about the Nugget.” He discussed the importance of creating “more and better jobs,” expressed confidence in the consultants and in the Board of Supervisors, and assured everyone of the Nugget’s cooperation.

(11:54:03) In consideration of the digital media focus, Ron Swircek commented “finally Carson City has the opportunity for a knowledge-based industry.” He expressed support for creating jobs “based upon math, science, and the arts, both visual and performing arts ...” He noted the great opportunity to establish long-term partnerships with the Carson City School District, K-12, and Western Nevada College. Combined with the existing state and local government office buildings, he noted the opportunity for a “true blending of business ... in one central location. With that, we do have some identity then. Carson City and the downtown ... becomes the hub rather than the end of a loose spoke.” He described the subject opportunity as “rare,” and expressed the opinion “we can’t miss.” He expressed the further opinion that the entire community would benefit by the proposed project, and volunteered his services.

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. Supervisor Williamson commended the presentation, and agreed “this is a moment in time in the history of Carson City. And we will look back and say that we made a momentous decision for ourselves, our future, and it’s something we’ll all be very, very proud of.” **Supervisor Williamson moved to authorize staff to participate in the preparation of a detailed scope for the proposed project, including the five recommendations: the public / private partnerships, preliminary finance plan, appropriate endorsement by appropriate public bodies, authority to seek out a potential master developer, and ultimately the endorsement by the Board of Supervisors. Supervisor Livermore seconded the motion.** Supervisor Walt advised of having been briefed prior to the presentation, and apologized for missing it. Mayor Crowell explained Supervisor Walt’s brief absence to attend an academic excellence awards ceremony at one of her children’s schools. In reference to the 2003 Economic Vitality Study, Supervisor Livermore noted “that document has been somewhat accomplished in some areas, but the big vision ... has not yet been achieved.” He commended the proposed project as “about this community’s future, ... job creation, and ... identity,” and expressed the hope that the project consultants can “deliver that.” Mayor Crowell expressed support for the motion, and encouraged the participants to remember all the stakeholders in the process and to “reach out” accordingly. Mr. McCarthy provided the website information for the benefit of the public. Mayor Crowell reiterated the request to reach out to the stakeholders, and called for a vote on the pending motion. **Motion carried 5-0.**

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**21. CITY MANAGER - ACTION TO APPOINT ONE MEMBER TO THE LIBRARY BOARD OF TRUSTEES TO FILL A TERM EXPIRING JUNE 2013** (12:01:15) - Mayor Crowell recessed the meeting at 12:01 p.m. and reconvened at 12:07 p.m.

(12:07:13) Sean Sever advised of having served as the former chair of the Carson City Convention and Visitors Bureau Board of Directors. He provided background information on his involvement in “getting the V&T rolling,” on his work and Library experience, and discussed his interest in serving as a member of the Library Board of Trustees.

Supervisor Williamson thanked Mr. Sever for his application. In response to a question, he discussed an interest in expanding the children’s section of the Library, including additional computer opportunities for children, and in expanding the “overall size of the Library ...” with more technology and more books. Mr. Sever acknowledged having participated in the 2008 / 09 strategic planning process in his capacity as Western Nevada College Public Information Officer. In response to a further question, he commended the process and discussed the importance of ensuring it didn’t “end up on a shelf somewhere ...” Supervisor Aldean inquired as to Mr. Sever’s potential contributions to the Library Board of Trustees. Mr. Sever advised that he is highly organized and “a people person,” and discussed his ability to “put people together that are going to get things done.” He expressed a preference to work on projects toward successful completion. Mr. Sever acknowledged having participated in a recent Library survey. In response to a question, he discussed his love for the old Library in that he has “a lot of memories there.” He acknowledged the need for a “bigger and better library,” however. In response to Supervisor Livermore’s question regarding ways to enhance diversity, Mr. Sever discussed the importance of expanding the availability of Spanish information. In reference to the presentation under item 20, he noted “how important libraries are becoming again.” He discussed the importance of the Library to the entire community and to the individuals within the community. Supervisor Walt discussed the “growing interest in the participation of children and young people in the services, the policies, and the decisions that are being made that affect their daily lives.” She inquired as to the method by which Mr. Sever would encourage children’s input in the future of the Library. Mr. Sever reiterated familiarity with the Library based on his experience as a “long-time user,” and advised he would be able to convey his children’s experiences, his own, and those of his parents. Mayor Crowell thanked Mr. Sever, and invited him to stay for the remainder of the interviews.

(12:15:11) Mayor Crowell welcomed Drew Simmons to the podium, and provided an overview of the interview process. In response to a question, Ms. Simmons discussed her interest in serving as a member of the Library Board of Trustees. Supervisor Walt discussed a “growing interest in the participation of ... children and ... young people in the services, policies, and decisions that affect their daily lives.” In response to a question, Ms. Simmons discussed a “huge disconnect with our younger generation ... and we need to be more present for the way they communicate, the way they think, and be more respectful of who they are.” She suggested scheduling field trips to the Library, Library presentations at the schools, and incorporating that into the Library. She commended the proposal presented as part of item 20. In response to Supervisor Livermore’s question regarding her participation in a Library survey, Ms. Simmons expressed support for the community’s preferences. In response to a question regarding methods by which to promote diversity, Ms. Simmons reviewed her marketing experience. Supervisor Aldean inquired as to the method by which to ensure that the intimacy available at the existing Library is maintained in consideration of the project presented as part of item 20. Ms. Simmons expressed the opinion that intimacy “can be exemplified in the design, ... in the departments, in the categories ...” Supervisor Williamson thanked Ms. Simmons

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for her application. In response to a question, Ms. Simmons expressed an interest in emphasizing “quiet” in the new Library, and in expanding the Nevada section. Mayor Crowell thanked Ms. Simmons, and invited her to stay for the remainder of the interviews.

(12:31:30) Mayor Crowell invited Paul Taggert, on behalf of applicant Sonia Taggert, to the podium. Mr. Taggert explained Mrs. Taggert’s absence, and discussed her interest in serving as a member of the Library Board of Trustees. He advised that he and Mrs. Taggert are law partners, and discussed their experience and familiarity with redevelopment law. He discussed Mrs. Taggert’s work experience, advised that they have young children, and are interested in ensuring “a really good Library here.” Mayor Crowell thanked Mr. Taggert, and invited him to stay for the Board’s deliberation.

Discussion took place regarding whether Mr. Cherpeski had been present earlier in the meeting; however, nothing was determined. Supervisor Walt expressed concern over the interview process in consideration of potential applicants who are unable to attend during a regular Board meeting. The Board members discussed the applicants’ qualifications and experience. Following discussion, consensus of the Board was to appoint Drew Simmons to the Library Board of Trustees. Mayor Crowell thanked each of the applicants, and entertained a motion. **Supervisor Livermore moved to appoint Drew Simmons to the Carson City Library Board of Trustees for a term ending June 2013. Supervisor Aldean seconded the motion. Motion carried 5-0.**

#### 22. MAYOR CROWELL

**22(A) ACTION TO SELECT THE NAMES OF TWO OR MORE NOMINEES TO SUBMIT TO THE GOVERNOR’S OFFICE FROM WHICH THE GOVERNOR SHALL APPOINT A NOMINEE TO SERVE ON THE BOARD OF DIRECTORS OF THE CARSON-TRUCKEE WATER CONSERVANCY DISTRICT (12:44:29)** - Mayor Crowell introduced this item and reviewed the agenda materials. He entertained additional nominees and, when none were forthcoming, a motion. **Supervisor Livermore moved to select Todd Westergard as Carson City’s nominee to submit to the Governor’s Office from which the Governor shall appoint a nominee to serve on the Board of Directors of the Carson-Truckee Water Conservancy District. Supervisor Williamson seconded the motion. Motion carried 5-0.**

**22(B) REVIEW OF THE CITY MANAGER’S CHARACTER AND PROFESSIONAL COMPETENCE FOR THE PERIOD OF FEBRUARY 7, 2008 THROUGH NOVEMBER 5, 2009 AND DISCUSSION AND POSSIBLE ADMINISTRATIVE ACTION RELATING TO THE EMPLOYMENT OF LARRY WERNER AS CITY MANAGER FOR CARSON CITY (12:45:25)** - Mayor Crowell introduced and provided background information on this item. In response to a question regarding his performance, Mr. Werner stated, “There’s always room for improvement no matter what you do.” He expressed the opinion that he has done “a pretty decent job of bringing the organization through some difficult times.” He advised that he strives to “be honest and have a lot of integrity in how [he] deals with the Board.” He anticipates the “biggest issue” is the budget / economic situation, and that what is to come will “be even more difficult.” He expressed the opinion he has the “ability to deal with that and to present to this Board ways to deal with the economic situation.” He advised of having participated in a leadership development workshop over the past couple of days, and that he will be working on communication issues.

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Mayor Crowell advised that Supervisor Williamson had conducted an informal poll of community members and other stakeholders. Supervisor Williamson advised of having sent an anonymous questionnaire to Mr. Werner's direct reports. "He received very high marks for showing them professional respect, showing concern for the staff and the City's well-being as a whole, for encouraging cooperation and communication, and creating a team environment." Supervisor Williamson noted the importance of these qualities "given the tenor of the organization when Larry graciously volunteered to step in and be our leader." "They also credited Larry for giving valuable feedback to them and complimented his communication, management, and leadership skills." Supervisor Williamson advised of the opportunity for individual comments, as well. "They all ... said he was a great leader, he allows directors to manage their own departments. His first priority is Board of Supervisors goals; very supportive; shares and encourages discussion and is effectively dealing with the fiscal issues that we have; he's honest and trustworthy; and more than one said, 'Don't let him retire.'" Supervisor Williamson advised of also having solicited comments from different civic organizations and "each group said that they felt Larry listened to their concerns, was available and responsive, and although they didn't necessarily have direct contact with Larry at all times, they said they've received good support from all the City departments and they thought that was a result of Larry's direction."

Supervisor Livermore described the subject item as "an unusual circumstance because we have a City Manager that currently works without a contract." He expressed the opinion that the approach should be to "try and find a fair and equal way to evaluate his performance going forth with this." He was uncertain as to the method by which oversight of the City Manager occurs, and expressed the opinion that "the professional side of this is we need to be fair, we need to be objective, we need to have measurements, and we need to have full understanding about duties and responsibilities." He requested Mr. Werner to develop a list of six to eight goals over which the Board could "be fair in judgment of ... and either be supportive or critical ..." He expressed concern over the perception of his statements without objective criteria by which to evaluate performance. He expressed the hope to re-agendize this item after Mr. Werner has the opportunity to develop the previously-described list.

Supervisor Aldean advised she has enjoyed working with Mr. Werner, and noted the job description which she assumed Mr. Werner has been "attempting to adhere to." She expressed an interest in hearing, from Mr. Werner, a summary of "what [he feels his] greatest accomplishments have been." She acknowledged the "challenges" associated with "working with five A-type personalities," and discussed the importance of everyone "remaining respectful and engaging in civil discourse ..." She commended Mr. Werner's public outreach skills, but noted it is "not really something [he] necessarily does willingly." She suggested "going forward, as finances permit, we need to do a better job of public outreach" from the City Manager's Office and from the Board.

Supervisor Walt commended Mr. Werner's approachability, and acknowledged the challenges associated with working with different personalities. She expressed appreciation for his professionalism and his open communication style. She advised of complimentary community feedback with regard to Mr. Werner's communication skills and approachability.

Supervisor Williamson expressed appreciation for Mr. Werner's willingness to "step forward and ... take the leadership helm in what was, at that time, a very dysfunctional executive branch." She further noted that Mr. Werner "has worked very hard," and advised of City staff comments indicating "it's a lot happier in City Hall than it was before." She expressed the opinion that Mr. Werner "has done a lot to assess the

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situation, make the changes that were probably necessary personnel-wise, policy-wise, to achieve a more congenial, cohesive group that allows us to not be distracted by the issues at hand which are our fiscal issues and our challenges in the economy.” She noted the “very positive step” represented by Mr. Werner’s preference to establish new Board goals after the new Board members were elected. She expressed the overall opinion that Mr. Werner has “shaped the organization, he’s put his own stamp of leadership on it.” She expressed sincere appreciation, and emphasized the importance of a contract. She noted the challenges associated with “telling our story ... celebrating all the good things that City government does for our community; that we are listening and we are trying very hard to meet diverse needs with limited funds.” She suggested that Mr. Werner consider attending a Chamber of Commerce meeting once a month or publishing a newsletter. She rated Mr. Werner’s performance with “high marks,” and looks forward to continuing to work with him.

Mayor Crowell expressed agreement with the constructive recommendation to improve public outreach. He advised of having heard from “surrounding city managers and city / county commissioners that they are highly impressed with you because ... we have cooperation. ... Carson City is part of the region, that we are taking into consideration making decisions for ourselves, certainly, but on a regional basis and there’s a great amount of trust in that.” Mayor Crowell expressed the opinion that “has paid dividends and will continue to pay dividends.” In consideration of Supervisor Williamson’s survey and his “own sense of talking to City employees,” Mayor Crowell advised that “with the sales tax decline, we’re going to have to make some tough decisions pretty quick here. In order to help us work through those tough decisions, we’re going to need to have a very good level of communication with our employees and we’re going to have to have somebody that has the employees’ respect in order to ... help us navigate those waters. My sense, Larry, from talking with people is that you have that respect.” Mayor Crowell expressed the opinion that this will be “extremely valuable” in the next six months. He expressed understanding for the importance of a contract, but inquired as to Mr. Werner’s interest in continuing as the City Manager.

Mr. Werner expressed appreciation for the constructive criticism as well as the compliments. He expressed appreciation for the opportunity to have worked for this organization, and “what’s made it absolutely astounding is the group we have out here” [referring to the department managers present in the meeting room]. In reference to strategic planning and aligning daily operations with the Board’s mission and vision, Mr. Werner expressed the belief that “we should not be doing anything in this organization that does not align back to a Board goal or mission statement.” He estimated that the performance management / operations scorecard process is “probably 30 to 40 percent” complete, and advised that he will continue to emphasize this as “one of the major objectives that ties back to budget, ties back to performance ...” Mr. Werner advised that organizational performance measures have been implemented using the active strategy model and the online citizen dashboard indicators. “We’re going to try to get more and more of that out to the community so they can see what’s going on.” He noted the annual Board of Supervisors strategic planning workshop has been initiated, and that a January time frame is being considered for 2010. He further noted that the 2009 State Legislative session had been successfully navigated; that cooperative relationships have been developed with neighboring county leadership; future business strategies are being explored, including the landfill and the Nugget project. He advised of having “worked to try to build an efficient and well-functioning leadership team,” and discussed corresponding changes which were necessary upon his appointment. He noted that Development Services had been consolidated “back into Public Works ... to try to address some declining revenues.” He discussed leadership development programs being coordinated through the Human Resources Department. He commended the most recent program as “the most outstanding” he had ever attended after “thirty years in this business.” He advised

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of having “restructured a lot of operations and communications to enhance involvement of the elected officials.” With regard to financial management, he noted that the budget process had been streamlined. An internal finance committee has been implemented to ensure “we can weather this economic storm ... and to make sure the decisions we do make are for the benefit of this community” and in line with the Board’s goals. He noted retention of the car dealerships, and that staff vacancies are continually reviewed throughout the organization to ensure “we’re placing people in the right spot and we’re doing it where absolutely necessary and appropriate.” He discussed promotion of “new business practices as far as consolidation of purchases,” considering vendor operations, etc. to “try to maintain efficiencies.” He further discussed the importance of creating a more solid connection between written policies and procedures and operations.

Mr. Werner recognized the importance of public outreach, and advised of having contacted School District Superintendent Richard Stokes approximately two months ago to establish a regular meeting schedule. He advised of having met with Chamber of Commerce Executive Director Ronni Hannaman approximately a month ago to discuss a method by which to regularly meet with community leaders. In response to an earlier question, Mr. Werner expressed an interest in “continuing on for a couple more years” and a willingness to work with the District Attorney’s office to develop a contract. Ms. Bruketta noted, for the record, that Mr. Werner was formally noticed of this hearing on October 12, 2009. She introduced the Proof of Service into the record in accordance with the provisions of the Open Meeting Law.

Supervisor Livermore acknowledged Mr. Werner’s accomplishments, and expressed an interest in regular reports regarding “a general concept of where we’re at and what we’re doing.” Mayor Crowell entertained a motion. **Supervisor Walt moved to direct Larry Werner, City Manager, and the District Attorney’s Office to report back to the Board in two weeks with a contract and with a list of goals.** Mr. Werner acknowledged having received proper notice of this hearing pursuant to the provisions of the Nevada Open Meeting Law. **Supervisor Williamson seconded the motion.** Discussion took place with regard to the possibility of extending the period of time to develop a contract and a list of goals and objectives to one month. **Supervisor Walt so amended her motion. Supervisor Williamson continued her second.** Mayor Crowell entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0.**

### 23. BOARD OF SUPERVISORS NON-ACTION ITEMS:

#### 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 (1:15:57)** - Mr. Werner advised of a power outage last night in west Carson, the reason for which NV Energy representatives are uncertain. A substation line tripped, but the cause could not be determined. The line was re-energized and NV Energy representatives are examining it again today to try to determine a cause.

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**24. ACTION TO ADJOURN** (1:17:05) - Supervisor Aldean moved to adjourn the meeting at 1:17 p.m. Supervisor Williamson seconded the motion. Motion carried 5-0.

The Minutes of the November 5, 2009 Carson City Board of Supervisors meeting are so approved this 3<sup>rd</sup> day of December, 2009.

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ROBERT L. CROWELL, Mayor

ATTEST:

By: \_\_\_\_\_  
ALAN GLOVER, Clerk - Recorder