

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 1

DRAFT

A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, December 3, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Robert Crowell, Mayor
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
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 part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

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

(8:31:28) - Mayor Crowell called the meeting to order at 8:31 a.m. Roll was called; a quorum was present. Carson City Christian Fellowship Pastor Pat Propster provided the invocation, and presented Mayor Crowell with a Christmas devotional. Principal Planner Jennifer Pruitt led the pledge of allegiance.

5. ACTION ON APPROVAL OF MINUTES - November 5, 2009 (8:34:49) - Supervisor Aldean noted a correction to page 18, and **moved to approve the minutes, as amended. Supervisor Williamson seconded the motion. Motion carried 5-0.**

6. ADOPTION OF AGENDA (8:35:30) - Mr. Werner advised of a request to withdraw item 12(B) as the applicant was unable to attend the meeting. Mayor Crowell deemed the agenda adopted with the stated revision.

7. PUBLIC COMMENTS AND DISCUSSION (8:36:22) - Mayor Crowell entertained public comment. (8:37:01) Doug Cramer read into the record a letter regarding the progress of Paradise Cove Café, advising "this project is moving along ... Mom and Pop's are still the owner of this project and we have not scaled back anything. Actually, we have added other things to the restaurant to make it a successful place." Mr. Cramer advised that a gift shop has been added to the project, and anticipates the café and gift shop will open "somewhere around the beginning of February 2010." He described the location of the café "right next to Schatz Bakery." He discussed changes to the Carson Mall over the past year, and advised of no vacancies "in this mall." He expressed optimism over the mall's future and advised that "Mom and Pop's went into this project because of that reason." He read into the record a portion of e-mail correspondence to Supervisor Livermore from Bruce Kittess, dated October 14, 2009, and advised of factually erroneous statements contained therein. Mr. Cramer expressed appreciation to Supervisors Williamson, Walt, and Mayor Crowell "for basically backing this project ..." He advised of having talked with Supervisors Livermore, Williamson, and Mayor Crowell in January regarding the Paradise Café project. Based on the Redevelopment Authority policies and procedures, he expressed the opinion that his project met "all the requirements" in consideration of the application process. He expressed regret over

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 2

DRAFT

not having spoken with Supervisors Aldean and Walt at the same time. He reiterated his appreciation, and also thanked “local businesses in town ... for still backing this project up,” many of which representatives he named. He emphasized the Cramers’ commitment to the community “for a long time.” Mayor Crowell wished Mr. Cramer good luck.

(8:42:46) Martin Fischer commended the Cramers on the “job that they have done.” Mr. Fischer discussed his retail background, and expressed admiration for the Cramers “in the sense that they’re people who have been dedicated to this community for ... well over 15 years ...” He commended the Cramers’ “time and effort ... relating to evening events in their area, relating to Doug’s involvement with the school system, etc.” He expressed further admiration for the Cramers’ courage, as a couple, “to go into the mall and to hopefully develop a restaurant ...” He expressed the hope that “every sensitivity will be given to them in terms of their endeavor.”

Mayor Crowell called for additional public comment and, when none was forthcoming, expressed appreciation for the comments in consideration of the Board’s function.

8. CONSENT AGENDA (8:46:25) - Mayor Crowell entertained requests to hear items separate from the consent agenda. Supervisor Aldean requested to separately hear item 8-2(A). Mayor Crowell entertained additional requests and, when none were forthcoming, a motion to approve the remainder of the consent agenda. **Supervisor Livermore moved to approve the consent agenda, consisting of item 8-1, Public Works Planning Division; and item 8-2(B), with recognition to the appointments of three individuals to the 9-1-1 Surcharge Advisory Committee: Daniel Berger, Anne Keast, and Tina Petersen. Supervisor Aldean seconded the motion. Motion carried 5-0.**

8-1. PUBLIC WORKS DEPARTMENT PLANNING DIVISION - ACTION TO APPROVE A REQUEST FOR A TWO-YEAR EXTENSION FOR A TENTATIVE PLANNED UNIT DEVELOPMENT KNOWN AS CORTE REALE, LOCATED AT 4000 MURPHY DRIVE, APN 007-091-08, TO REMAIN VALID AND THE FILING TIME FRAME FOR A FINAL MAP TO BE EXTENDED TO FEBRUARY 16, 2012 (TPUD-05-229)

8-2. CITY MANAGER

8-2(A) ACTION TO APPOINT TWO MEMBERS TO THE REGIONAL TRANSPORTATION COMMISSION TO FILL TWO-YEAR TERMS TO EXPIRE DECEMBER 31, 2011 (9:15:12) - Mayor Crowell introduced this item. Supervisor Aldean advised of having “encouraged one of the applicants to reapply.” She commended the Regional Transportation Commissioners and expressed appreciation for the opportunity to work with both Russ Carpenter and Charles Des Jardins. She noted that Mayor Crowell is an official member of the Regional Transportation Commission, and requested staff to add his name to the membership roster. Mayor Crowell commended Mr. Carpenter and Mr. Des Jardins on their “excellent job,” and Supervisor Aldean on her chairmanship. Supervisor Aldean commended the Regional Transportation Commission staff, and **moved to re-appoint Russell Carpenter and Charles Des Jardins to the Regional Transportation Commission for two-year terms, ending December 31, 2011. Supervisor Livermore 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.** Mayor Crowell thanked all the citizen advisory committee members for their volunteer efforts.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 3

DRAFT

8-2(B) ACTION TO APPOINT THREE MEMBERS TO THE 9-1-1 SURCHARGE ADVISORY COMMITTEE FOR TWO-YEAR TERMS TO EXPIRE DECEMBER 31, 2011

9. RECESS BOARD OF SUPERVISORS (8:47:35) - Mayor Crowell recessed the Board of Supervisors at 8:47 a.m.

LIQUOR AND ENTERTAINMENT BOARD

10. CALL TO ORDER AND ROLL CALL (8:47:39) - Chairperson Crowell called the Liquor and Entertainment Board to order at 8:47 a.m. Roll was called; a quorum was present, including Member Furlong.

11. ACTION ON APPROVAL OF MINUTES - November 5, 2009 (8:47:58) - Member Williamson moved approval of the minutes. Member Aldean seconded the motion. Motion carried 6-0.

12. PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION

12(A) ACTION TO APPROVE ROBERT WILLIAMS AS THE LIQUOR MANAGER FOR TOMMY'S NEIGHBORHOOD BAR, LIQUOR LICENSE NO. 10-26877, LOCATED AT 260 WEST WINNIE LANE, CARSON CITY (8:48:33) - Chairperson Crowell introduced this item. Principal Planner Jennifer Pruitt reviewed the agenda report, noting staff's recommendation of approval. (8:49:28) Robert Williams introduced himself for the record and, in response to a question, discussed his plans to maintain Tommy's as a "fine neighborhood bar." He acknowledged that reports of past disturbances at the subject location "didn't happen on his watch." In response to a further question, he advised that his bartenders will be attending the alcohol servers training program. In addition, he stated, "I'm local. The previous owners were absentee owners so they had various managers in there and it created a problem with keeping the staff up to date and watching and checking for IDs." Mr. Williams advised that all bartenders will be required to check all IDs. Every patron will be required to produce identification. "No ID, you can't be in here no matter what your age is."

In response to a question, Member Furlong advised of no objections. Chairperson Crowell entertained a motion. **Member Livermore moved to approve Robert Williams as the liquor manager for Tommy's Neighborhood Bar, liquor license number 10-26877, located at 260 West Winnie Lane, Carson City, Nevada. Member Aldean seconded the motion.** Member Williamson thanked Mr. Williams for investing in Carson City. Mr. Williams acknowledged his establishment is now open and described its location in proximity to the intersection of Winnie Lane and Carson Street. Member Williamson wished Mr. Williams good luck. In response to a question, Senior Permit Technician Lena Tripp explained the "next steps" in obtaining the liquor license. Mr. Williams thanked the board. Chairperson Crowell expressed the opinion that the change in ownership will help the subject location. He thanked Mr. Williams for his investment, and called for a vote on the pending motion. **Motion carried 6-0.**

12(B) ACTION TO APPROVE TIMOTHY HERBST AS AN ADDITIONAL LIQUOR MANAGER FOR TERRIBLE'S, LIQUOR LICENSE NOS. 10-26806, 10-25539, AND 10-25532, LOCATED AT 4640 SOUTH CARSON STREET, 1102 NORTH CARSON STREET, AND 1615 EAST FIFTH STREET, CARSON CITY - Withdrawn.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 4

DRAFT

12(C) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-23477, HELD BY BDESH, INC. DBA EAGLE GAS, LOCATED AT 1360 SOUTH CARSON STREET, 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 (8:53:49) - Chairperson Crowell introduced this item, and Ms. Pruitt reviewed the agenda materials. Ms. Pruitt noted a correction to the recommended action, as follows: "This action will include the imposition of a fine of \$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."

(8:56:01) Mohammad Barkat introduced himself for the record and, in response to a question, advised he has operated the subject establishment since August 2006. In response to a further question, he advised of having been cited for the sale of cigarettes to a minor in addition to the citations giving rise to the subject hearing. Chairperson Crowell noted the two citations were issued within a period of thirty days. In response to a question, Mr. Barkat explained the circumstances giving rise to the second citation. He apologized for the infraction, and advised of having recently purchased two new registers "to prevent that." He explained the function of the registers requiring the clerk to input the driver's license number and check the ID. In addition, he advised that he and his employees will be attending a Sheriff's Office alcohol servers training program scheduled for January. He further advised of considering implementation of an in-house compliance check program, and requested the board's additional suggestions.

Chairperson Crowell entertained public comment; however, none was forthcoming. In response to a question, Member Furlong provided an overview of his December 2nd meeting with Mr. Barkat. Mr. Barkat acknowledged the citations were issued to two different employees. He reiterated the request for the board's additional suggestions, and expressed confidence there will be no further citations issued in consideration of the measures to be implemented. He responded to questions regarding the mechanism of the new registers, and Member Aldean noted the importance of the clerks accurately entering the identification data. She commended Mr. Barkat on his efforts to prevent further violations. Member Williamson echoed Member Aldean's comments, and cautioned Mr. Barkat regarding the progressive penalties associated with a third violation. She noted the importance of Mr. Barkat impressing upon his employees "there's no opportunity for failure; they have to check everyone's age ..." She noted the seriousness of the matter, and reiterated the progressive penalties associated with a third violation. Mr. Barkat advised that he daily, and sometimes hourly, reminds his employees to check identification.

Ms. Tripp responded to questions of clarification regarding the recommended board action. Chairperson Crowell entertained a motion. **Member Aldean moved to impose disciplinary action against liquor license no. 10-23477 held by BDESH, Inc. dba Eagle Gas, located at 1360 South Carson Street, 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 shall include the imposition of a fine of \$500 on the licensee and the requirement that the licensee and all employees selling, dispensing, or serving alcohol**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 5

DRAFT

attend the Sheriff's Office alcohol servers training program within three months of this hearing. Member Williamson seconded the motion. Motion carried 6-0. Mr. Barkat acknowledged understanding of the board's action.

12(D) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-24025, HELD BY ALVARO BRITO DBA SAN MARCOS GRILL, LOCATED AT 260 EAST WINNIE LANE, 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 (9:04:18) - Chairperson Crowell introduced this item, and Ms. Pruitt reviewed the agenda materials. Ms. Pruitt noted the citation giving rise to his hearing was the second issued in a six-month period, but the third issued this year. Chairperson Crowell commended the restaurant, but expressed concern over the frequency of violations.

(9:06:59) Alvaro Brito explained the circumstances giving rise to the subject citation, and expressed regret. He advised that all employees are scheduled to attend the December 9th Sheriff's Office alcohol servers training program. He further advised of having implemented a temporary requirement for any patron wishing to purchase alcohol to do so directly from the bar. Until such time as the employees have completed the alcohol servers training program, they are prohibited from serving alcohol at the tables. In response to a question, Mr. Brito explained the circumstances giving rise to issuance of the previous citation. He reiterated the measures taken to prevent the sale of alcohol at tables until such time as all employees have completed the alcohol servers training program.

Chairperson Crowell reviewed the penalties associated with a third citation, and strongly encouraged Mr. Brito to do whatever is necessary to prohibit any further sale of alcohol to minors. Member Aldean suggested making the requirement for patrons to purchase alcohol directly from the bar a permanent change. She further suggested the possibility of purchasing an IDVisor device.

Chairperson Crowell entertained a motion. **Member Aldean moved to impose disciplinary action against liquor license no. 10-24025 held by Alvaro Brito dba San Marcos Grill, located at 260 East Winnie Lane, 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 last citation issuance related to the sale of liquor at the licensed premises; this action shall include the imposition of a \$500 fine 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. Member Williamson seconded the motion.** Chairperson Crowell entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 6-0.**

13. ACTION TO ADJOURN LIQUOR AND ENTERTAINMENT BOARD (9:14:52) - Chairperson Crowell adjourned the Liquor and Entertainment Board at 9:14 a.m.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 6

DRAFT

14. RECONVENE BOARD OF SUPERVISORS (9:14:54) - Mayor Crowell reconvened the Board of Supervisors.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

15. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (9:14:58) - Please see the minutes for item 8-2(A).

16. PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 4, LICENSES AND BUSINESS REGULATIONS, CHAPTER 13, LIQUOR BOARD AND LIQUOR LICENSING AND SALES, BY ADDING SECTION 4.13.115, DEATH OF OR CHANGE TO PERSON LISTED ON LICENSE, TO REQUIRE NOTIFICATION OF THE DEATH OF A PERSON OR CHANGE TO A PERSON LISTED ON A LICENSE, AND SECTION 4.13.125, ISSUANCE OR DENIAL OF A LICENSE, TO SET FORTH GROUNDS FOR THE ISSUANCE OR DENIAL OF A LICENSE, AND AMENDING SECTION 4.13.010, DEFINITIONS, BY AMENDING VARIOUS DEFINITIONS, SECTION 4.13.060, APPLICATION FOR LICENSE, SECTION 4.13.070, INVESTIGATION - FEES, AND SECTION 4.13.190, UNLAWFUL TO SERVE MINORS, BY MAKING TECHNICAL CHANGES, SECTION 4.13.100, LICENSE - BOARD PROCEDURE, TO ALLOW THE AUTHORIZED REPRESENTATIVE OF AN APPLICANT TO APPEAR BEFORE THE BOARD, SECTION 4.13.105, NEW LICENSE, TO MAKE TECHNICAL CLARIFICATIONS REGARDING FEES FOR APPLICATIONS FOR A LICENSE, SECTION 4.13.110, LICENSE - FEES, TO PROVIDE THAT FAILURE TO PAY A LICENSE FEE SHALL RESULT IN THE EXPIRATION OF THE LICENSE, SECTION 4.13.120, LICENSE - TRANSFERABILITY AND USE, TO AUTHORIZE THE TEMPORARY TRANSFER OF A LICENSE IN CERTAIN CIRCUMSTANCES, SECTION 4.13.135, REACTIVATION OF PRIOR EXISTING LICENSE, TO CLARIFY WHEN A NEW APPLICATION FEE IS NOT REQUIRED, SECTION 4.13.140, GROUNDS FOR DISCIPLINARY ACTION, TO PROVIDE THAT THE FAILURE TO PAY A FINE IS A GROUND FOR DISCIPLINARY ACTION, SECTION 4.13.150, DISCIPLINARY ACTION PROCEDURE AND PENALTIES, TO REVISE THE PROCEDURES REGARDING DISCIPLINARY ACTION, SECTION 4.13.170, QUALIFICATIONS OF EMPLOYEES, TO MAKE VARIOUS CHANGES RELATING TO THE TRAINING OF EMPLOYEES, SECTION 4.13.220, DEFINITIONS, AMENDING THE DEFINITION OF A SHORT-TERM PERMIT, SECTION 4.13.240, APPLICATION FOR SHORT-TERM PERMIT, TO ALLOW FOR THE WAIVER OF THE DEADLINE FOR FILING AN APPLICATION FOR THE PERMIT, AND SECTION 4.13.260, DENIAL - REMEDY, TO REVISE THE PROCEDURES FOR THE APPROVAL OF A SHORT-TERM PERMIT, AND OTHER MATTERS PROPERLY RELATED THERETO (9:17:25) - Mayor Crowell introduced this item. Senior Permit Technician Lena Tripp read the title of the agenda item into the record, and reviewed revisions to the proposed ordinance following its introduction at the October 15, 2009 meeting. She acknowledged that the proposed ordinance was sent to all licensees, and advised of having received no comment. Mayor Crowell entertained public comment; however, none was forthcoming.

In response to a question regarding the definition of "liquor manager" in Section 4.13.010(9), Senior Deputy District Attorney Joel Benton explained that the liquor manager is responsible for establishing policies pertinent to liquor sales. Supervisor Aldean expressed concern that the language "responsible for

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 7

DRAFT

day-to-day operations” implies a physical presence. Discussion followed, and Mr. Benton offered to add language distinguishing the liquor manager from the on-site manager. Supervisor Aldean suggested similarly clarifying the language of Section 4.13.060(2)(d). She advised of having discussed clerical corrections with Ms. Tripp. Discussion took place to clarify the provisions of Sections 4.13.150(8)(d) and 4.13.160(1), and Sheriff Furlong acknowledged the existing language of Section 4.13.160(1) is sufficient. Supervisor Williamson expressed appreciation for the cooperation of community businesses, noting the presence of several liquor licensees in the audience, and thanked staff for the well-drafted revisions. Ms. Pruitt provided background information on, and reviewed, the provisions of Section 4.13.150, pertinent to a hearings officer. She advised that staff will present recommendations to the Board within the next thirty days. She acknowledged a negligible fiscal impact associated with the hearings officer responsibilities.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to introduce, on first reading, Bill No. 129, an ordinance amending the Carson City Municipal Code, Title 4, as amended and published, subject to the changes noted on the record. Supervisor Williamson seconded the motion. Motion carried 5-0.**

17. RECESS BOARD OF SUPERVISORS (9:36:01) - Mayor Crowell recessed the Board of Supervisors at 9:36 a.m.

REDEVELOPMENT AUTHORITY

18. CALL TO ORDER AND DETERMINATION OF QUORUM (9:36:05) - Chairperson Williamson called the Redevelopment Authority to order at 9:36 a.m., noting the presence of a quorum.

19. ACTION ON APPROVAL OF MINUTES (9:36:25) - None.

20. OFFICE OF BUSINESS DEVELOPMENT - ACTION TO APPROVE AND RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE EXPENDITURE OF UP TO \$1,500.00 FROM THE REVOLVING FUND FOR THE REDEVELOPMENT AUTHORITY TO THE SIERRA NEVADA BALLET TO COVER THE COST OF THE COMMUNITY CENTER BOB BOLDRICK THEATER RENTAL FOR THE PRODUCTION OF THE PEANUTCRACKER, AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN WHICH HAS BEEN ADOPTED BY THE CARSON CITY BOARD OF SUPERVISORS, AND BASED UPON THE FINDINGS THAT THERE IS A CAUSAL CONNECTION BETWEEN THIS REDEVELOPMENT EFFORT AND THE NEED FOR THE EXPENSE; THE EXPENSE IS NEEDED TO COVER THE COST OF THE RENTAL AND THAT THE AMOUNT OF THE EXPENSE TO BE GIVEN IS MINOR IN COMPARISON TO THE MONEY REQUIRED FOR THE OVERALL REDEVELOPMENT PLAN (9:36:30) - Chairperson Williamson introduced this item. Business Development Manager Joe McCarthy provided background information and reviewed the agenda materials. He acknowledged that future application materials would be submitted under the applicant’s name. In response to a further question, he advised that the \$1,500 is an estimate. He further acknowledged there is an application process which will have a quarterly deadline. He advised that staff is “working with the Redevelopment Authority Citizens Committee. We’re going to continue to move forward with putting a more formalized application process together so that those applicants can have more clarity as to what the process is so it’s not on a first come, first served basis. We’ll announce the opportunity for applicants, and it will be more formalized.”

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 8

DRAFT

Member Walt advised of the Board of Supervisors' previous approval of a "50 percent arts discount for the venue for all non-profits." Mr. McCarthy noted the focus to assist "struggling arts groups to be able to use the theater and celebrate the work that they do and provide it for the community." He reviewed the circumstances associated with moving the Peanutracker performance from its previous downtown outdoor venue to the Community Center Theater. Vice Chairperson Aldean noted that the Redevelopment Authority Citizens Committee ("RACC") has been informally reviewing special events incentive funding requests. She suggested a fairly minor amendment to the Redevelopment Authority incentive funding policies and procedures would be needed, and advised that April 1, 2010 is the next application deadline.

Chairperson Williamson entertained public comment and, when none was forthcoming, a motion. **Member Walt moved to approve and recommend to the Board of Supervisors approval of the expenditure of up to \$1,500 from the revolving fund for the Redevelopment Authority to Sierra Nevada Ballet to cover the cost of the Community Center Bob Boldrick Theater rental for the production of the Peanutracker as an expense incidental to carrying out the redevelopment plan, which has been adopted by the Carson City Board of Supervisors, and based upon the findings that there is a causal connection between this redevelopment effort and the need for the expenses; the expenses are needed to cover the cost of the rental and that the amount of the expenses to be given is minor in comparison to the money required for the overall redevelopment plan. Member Crowell seconded the motion. Motion carried 5-0.**

21. ACTION TO ADJOURN THE REDEVELOPMENT AUTHORITY (9:44:01) - Chairperson Williamson adjourned the Redevelopment Authority meeting at 9:44 a.m.

22. RECONVENE BOARD OF SUPERVISORS (9:44:14) - Mayor Crowell reconvened the Board of Supervisors.

23. OFFICE OF BUSINESS DEVELOPMENT - ACTION TO ADOPT A RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO \$1,500.00 FROM THE REVOLVING FUND FOR THE REDEVELOPMENT AUTHORITY TO THE SIERRA NEVADA BALLET TO COVER THE COST OF THE COMMUNITY CENTER BOB BOLDRICK THEATER RENTAL FOR THE PRODUCTION OF THE PEANUTCRAKER, AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN WHICH HAS BEEN ADOPTED BY THE CARSON CITY BOARD OF SUPERVISORS, AND BASED UPON THE FINDINGS THAT THERE IS A CAUSAL CONNECTION BETWEEN THIS REDEVELOPMENT EFFORT AND THE NEED FOR THE EXPENSES; THE EXPENSES ARE NEEDED TO COVER THE COST OF THE RENTAL AND THAT THE AMOUNT OF THE EXPENSES TO BE GIVEN ARE MINOR IN COMPARISON TO THE MONEY REQUIRED FOR THE OVERALL REDEVELOPMENT PLAN (9:44:18) - Mayor Crowell introduced this item, noting its correspondence with item 20, and adopted, by reference, the previous testimony. He entertained public comment and, when none was forthcoming, a motion. Supervisor Williamson moved to adopt Resolution No. 2009-R-66, authorizing the expenditure of up to \$1,500.00 from the revolving fund for the Redevelopment Authority to Sierra Nevada Ballet to cover the cost of the Community Center Bob Boldrick Theater rental for the production of the Peanutracker as an expense incidental to carrying out the redevelopment plan, which has been adopted by the Carson City Board of Supervisors, and based upon the findings that there is a causal connection between this redevelopment effort and the need for the expenses; the expenses are needed to cover the cost of the rental and that the amount of the expenses to be given is minor in comparison

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 9

DRAFT

to the money required for the overall redevelopment plan. Supervisor Aldean seconded the motion. Motion carried 5-0.

In anticipation of additional similar requests, Supervisor Williamson requested the Parks and Recreation Commission to review the fees charged to non-profit arts organizations. She expressed understanding for the importance of “making the Community Center as self-sustaining as possible,” but suggested considering “the effect of that ... and if we’re driving local arts organizations out of production. If all that can afford to use our Community Center are gun shows, I think what we’re trying to do isn’t getting the effect we want.”

24. PARKS AND RECREATION DEPARTMENT - ACTION TO ALLOW THE CARSON CITY PARKS AND RECREATION DEPARTMENT AQUATIC FACILITY TO HOLD A “FOOD FOR FISH FREE SWIM DAY” ON FRIDAY, DECEMBER 18, 2009 (9:47:25) - Mayor Crowell introduced this item, and Aquatic Facility Operations Manager Kurt Meyer reviewed the agenda report. Following a brief discussion, Mr. Meyer clarified there was no intention to prohibit swim pass holders from using the facility. In response to a question, he advised that the facility will be open during regular hours, 5:45 a.m. to 8:00 p.m. Mr. Meyer acknowledged that the food donation will simply be an alternative form of payment on December 18th. He assured the Board that no donation to F.I.S.H. will be refused. Supervisor Livermore commended Mr. Meyer on the proposal during “this time of need in this community.” Supervisor Williamson also commended Mr. Meyer, and suggested anyone interested in “a complete water experience” can “go swimming after school ... and take their \$4 and go ice skating ...”

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to allow the Carson City Parks and Recreation Department Aquatic Facility to hold a “Food for F.I.S.H. Free Swim Day” on Friday, December 18, 2009; to allow swim passes and other forms of payment for entrance into the Aquatic Facility on that day. Supervisor Aldean seconded the motion. Motion carried 5-0.**

25. PUBLIC WORKS DEPARTMENT - ACTION TO APPROVE A REDUCTION IN SERVICE LEVEL FOR THE BUILDING PERMIT FUNCTION DUE TO DECLINING REVENUES AND APPROVE A TRANSFER FROM THE GENERAL FUND OF APPROXIMATELY \$200,000 TO THE BUILDING FUND (9:53:37) - Mayor Crowell introduced this item. Public Works Department Director Andrew Burnham provided background information, reviewed the agenda report, and responded to corresponding questions of clarification. Mr. Werner acknowledged that consideration had been given to reverting the building division from an enterprise to the general fund. He advised of statutory requirements to accomplish this. Supervisor Aldean discussed the importance of flexibility in consideration of transferring employees back to the building division as the economy improves and as the additional staff are needed. In response to a question, Mr. Burnham advised that Chief Building Official Kevin Gattis is the most qualified individual to perform the various functions within the building division. Mr. Werner advised that a chief building official, with certain certifications, is a statutory requirement for a building division. He agreed that Mr. Gattis is the most qualified individual, “and we need his ... expertise and his flexibility to ... work across that entire spectrum to keep the ship afloat.” Discussion followed and, in response to a further question, Mr. Burnham expressed confidence that the building division can continue providing good service. He discussed the possibility of drawing from other Public Works Department divisions or private enterprise “to keep us at a reasonable turn around time.” In consideration of the next agenda item, he expressed confidence that inspection requirements can be met. In response to a further

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 10

DRAFT

question, he advised that the Board's recent action to reduce water and sewer connection fees does not appear to have had any impact. "We're still hoping." Mayor Crowell advised of some residential construction which was facilitated by the reduction in water and sewer connection fees. He discussed the importance of maintaining the cooperative relationship between the building division and the construction industry.

Mayor Crowell opened this item to public comment. (10:05:33) In consideration of the next agenda item, Dwight Millard suggested that "if it was important when we initiated it, why is it so unnecessary now?" He admonished the Board that "we do a lot of things as governments to try to protect people and then when we really get into a money crunch we find out that maybe that's not as important as it was and so now we're going to delete it." "If it was important to do a sheetrock nailing inspection a year ago, I still think it's important to do it today. What's changed that we don't have that as a public safety issue anymore?" Mr. Millard advised "several years ago, when all these inspections were required, a lot of us builders said, 'Why don't you let us contract them out and have them signed off by an inspector who would take the responsibility for it?' And I remember the City saying, 'No, we'd like to do it because we need that as a source of revenue.' Well, yeah, but your revenue went away. Had we been doing private inspections, you wouldn't be having this problem right now." He suggested giving consideration to outsourcing inspections "and then you don't have to worry about ramping up and ramping down with employees." He suggested leaving the building division employees "where they're at if you're going to pay them anyway ... and continue to do the functions that we thought were so necessary when we initiated them."

(10:08:18) Builders Association of Western Nevada ("BAWN") Government Affairs Director Sheena Beaver read a letter into the record, a copy of which she provided to the Clerk.

Supervisor Aldean acknowledged the difficulties associated with this item, and commended Mr. Gattis' efforts in working with the community. She and Mr. Gattis participate in the Chamber of Commerce Business Assistance Committee, and she expressed the hope that his increased building division responsibilities will not eliminate his ability to serve as the "point person" for the Business Assistance Committee. She commended Mr. Gattis' cooperation in helping to promote the effectiveness of the Chamber of Commerce Business Assistance Committee. She expressed optimism with regard to economic recovery in 2010.

In response to a question, Mr. Werner explained the requirement for solvency in the building division enterprise fund, from an accounting standpoint. The building division employees to be transferred will fill other enterprise fund positions "that have openings that are essential." Ms. Bruketta advised of the City's right to transfer employees without interfering with labor contracts. "These employees are not being promised that when the building division does become more self-sufficient and there is a need for increased employees that they'll be transferred back." Ms. Bruketta expressed certainty that the transferred employees would be considered because they have the necessary qualifications; "however, there are no promises being made ..." In response to a question, Mr. Burnham advised that no notification has been provided to specific employees. "We have let the department know that there will be transfers, but until the Board makes a decision today, we would not make specific notice ... to the actual employees." Ms. Bruketta advised of time frames within which notification to employees must be provided. Mr. Werner clarified an earlier statement that the landfill is a general fund operation, "but it does have a revenue source that we kind of associate with that, ... and we have to maintain a certain level out there to keep the landfill in operation and that may be where one of the vacancies occurs."

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 11

DRAFT

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to approve a reduction in service level for the building permit function due to declining revenues and approve a transfer from the general fund of approximately \$200,000 to the building fund. Supervisor Aldean seconded the motion. Motion carried 5-0.**

26. PUBLIC WORKS DEPARTMENT BUILDING DIVISION - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 15, BUILDINGS AND CONSTRUCTION, CHAPTER 15.05, BUILDING CODE, SECTION 15.05.020, ADOPTION AND ADMINISTRATION OF BUILDING AND CONSTRUCTION CODES, BY REPEALING THE ADOPTION OF SECTIONS 109.3.5, ROOF NAIL INSPECTION, 109.3.7, INSULATION INSPECTION, 109.3.8, LATH AND GYPSUM BOARD INSPECTION, AND 109.3.10, ENERGY EFFICIENCY INSPECTIONS, AND AMENDING SECTIONS 109.3.9, FIRE-RESISTANT PENETRATIONS, TO INCLUDE FIRE-RESISTANT ASSEMBLIES, AND 106.3, EXAMINATION OF DOCUMENTS, TO EXCLUDE CERTAIN ITEMS FROM THE PLAN REVIEW PROCESS (10:15:56) - Mayor Crowell introduced this item. Chief Building Official Kevin Gattis read into the record the title of the agenda report. He acknowledged that the International Building Code has not changed. In response to a question, he provided background information on the sections of the code proposed for amendment. He expressed disagreement with the proposed amendments “as your building official; however, I do understand that there are issues with the budgets and we have to make concessions.” He explained that the proposed amendments are not pertinent to life / safety inspections.

In response to a question, Mr. Werner provided historic information on the subject sections of Title 15, “some of which were added in the late ‘70s / early ‘80s and perpetuated by the City ever since because of some lawsuits that occurred between owners and contractors and we got drug into it by being expert witnesses ... The decision was made, if we’re going to end up helping to litigate these things at the end because certain contractors aren’t constructing it correctly, then let’s add it to our inspection schedule and maybe try to catch it up front. But those were things that we added, not from a revenue standpoint, ... but from issues that occurred between homeowners and builders where we looked at it to say, ‘Well, maybe if we’ve got the time, we could step in and take a look at these.’ They’re not life / safety, they are required to be done by the builder, and they are the ones ... that if you have to eliminate these, these were added ... for ... reasons other than life / safety in the building code.”

In response to a question, Mr. Gattis advised that costs associated with the subject inspections are “fairly minimal as far as the permit process ...; however, the cost to the additional employees is substantial.” He disagreed with earlier comments that the subject inspections were only done as a revenue source. “I believe in what I do and why I do it.” He expressed understanding over the lack of enterprise funding necessary to operate the building division at its current staffing level. He requested the Board to keep in mind that the building division “deals with everyone in the community and not just licensed contractors.” He noted the licensed contractors present in the meeting room, and commended them on their quality work. He discussed the building division responsibility to work with do-it-yourself homeowners, and the expansion of the “codes over the years. ... It’s a full-time job to keep up with these codes.” He expressed regret over “seeing our industry going backwards in this process because we’ve all worked so hard to get where we’re at. ... This is a checks and balance system ... that’s been in place since 1926 to protect the public and try and make a better community for our people to live in.” He acquiesced to “doing what we have to do,” and reiterated that the subject inspections are less relative to life / safety.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 12

DRAFT

In response to an earlier question, Mr. Werner advised that the costs associated with the subject inspections will not change. He explained “as we have more individual permits being issued, we get the cumulative effect of those permit fees coming in to support having a full-time inspector on the job. What we’re seeing is not enough permitting coming in to support the full cost of an inspector.” “You won’t see the change in costs to the individual, but you will see less costs to the department to support those three or four inspections a day that have to be subsidized by the general fund.” In response to a comment, Mr. Gattis explained that “every three years, we are in a position to adopt the most updated codes.” He advised that the changes, in the last six to eight years, have been dramatic. “It’s a lot to keep up with.” Mr. Gattis advised that building division staff assists contractors “with all of these changes and all of these requirements, but also the public.” He further advised that outsourcing inspections would also involve a cost. “If we turn the building department into a private function, the flexibility of the building official is gone.” Mr. Gattis discussed his authority to interpret codes and make decisions accordingly. Hiring a third party firm would require “reading the code, black and white, as adopted ... and they have no flexibility if they do what they’re paid to do.” Mr. Gattis assured the Board that building division staff will continue to provide good customer service, on a more limited basis, in consideration of the additional loss of building division staff persons.

Supervisor Walt related a recent personal experience with building division staff in completing a home improvement project, and expressed regret over the current economic situation requiring the staff reduction. Supervisor Aldean suggested that Mr. Gattis advise licensed contractors and owner-builders that the subject inspections are temporarily suspended. In consideration of the public testimony and discussion of this item, she expressed concern over conveying that the inspections may never be reinstated. Discussion ensued, and Mr. Gattis advised that the permit “sign-off cards” will be amended accordingly, and that a brochure will be distributed in explanation of the proposed code amendment. Mr. Werner and Mr. Gattis provided additional clarification of the effect of the proposed amendment. Mr. Gattis emphasized that every contractor, developer, and homeowner will continue to be obligated to adhere to the requirements of the International Building Code. Supervisor Williamson expressed concern over the building division staff continuing to provide the best service possible. Mr. Gattis reassured the Board that building division staff will enthusiastically implement the proposed amendment. He reiterated the intent to convey that “there will be an impact on service levels because currently we have five folks that are busy. We’re going to go down to three folks. It’s probably going to affect our service levels. I don’t know how it can’t. We are going to be enthusiastic and we’re going to do everything we can to help as we currently do.”

In response to a further question, Mr. Burnham advised that one of the employees to be transferred can “float” back and forth between their new position and the building division, when necessary, to cover sick and annual leave. Mr. Werner advised that this is “the tip of the ice berg,” and noted that service levels throughout the organization will likely be affected in consideration of issues surrounding the next budget year. “You can’t keep the same deliveries and service levels and reduce staff. Something has to give. We will do our best to embrace it and try to still be encouraging ...” Supervisor Aldean discussed the importance of the public becoming more self-sufficient. She expressed confidence in Mr. Gattis and his staff to do a good job based on their ability to field questions and assist the public in general. Mayor Crowell discussed an historic familiarity with Title 15, and agreed with Supervisor Aldean that when government service levels decrease, individual responsibilities increase.

Mayor Crowell entertained public comment. (10:41:40) Dwight Millard requested the Board to not “eliminate those inspections nor slow down any of the plan inspections,” and to “initiate the fact that

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 13

DRAFT

builders can have outside services and they pay for them.” He suggested the building division could certify inspectors. “Obviously, all of this is in place because we don’t believe the contractors.”

(10:43:35) Mark Turner, of Black Pine Construction, suggested keeping in mind that this is “a temporary solution to a temporary problem.” He agreed with Supervisor Aldean’s suggestion to consider refilling the building division positions and reimplementing the inspections once the economy begins to turn. “All we’re doing here, as far as the City is concerned, is ... the same thing that everyone else has to do right now and that’s to tighten your belt for a short period of time, to tide us over until things start to change.” Mr. Turner suggested “we should go ahead and give it a try the way it’s being currently framed and ... look at it again in six months.” He committed that the Builders Association would continue to work with Mr. Gattis. He acknowledged having recently submitted two building permit applications and anticipates submitting eight more in the next six to eight weeks. Mr. Werner expressed appreciation for Mr. Turner’s comments, and suggested that City staff could work with the BAWN to develop a program to certify inspectors which are “absolutely independent from what we’re doing here that still provides the same level of protection ...” Mr. Turner agreed, and discussed widely varying practices throughout the country “in terms of regulation of building and inspections.” He noted that Nevada is one of the most heavily regulated states regarding contractors and construction law.

In response to a question, Mr. Gattis advised that certifying inspectors is a viable option “depending upon ... how it’s set up.” He reviewed details of a Douglas County program which has since been eliminated, and recommended using third-party private firms, which members are insured, certified, and approved by the building division to provide plan review and / or inspections. He reviewed the current building division process for scheduling inspections, and advised that contractors do not have to wait for building division inspections. “We strive to meet our turn-around times and we will continue to do that. Once those plans get in our office, we have turn-around times established. We meet those times.” Mr. Gattis assured the Board he will continue to strive to meet established time frames and procedures.

Mayor Crowell entertained additional public comment. (10:50:30) BAWN Government Affairs Director Sheena Beaver expressed a willingness to meet with City staff to develop a program for certifying inspectors. She emphasized the subject ordinance will not result in reduced building division fees. “We will now have more of a burden placed on us to make sure that we inspect our own things and it’s not just something that’s going to be missing now. It’s something that we have to step up and that we have to do.”

Ms. Bruketta advised there was no language in the proposed ordinance indicating a temporary suspension of the referenced inspections. She advised that the current or a future Board could agendize an additional amendment. Mayor Crowell commended the discussion, noted the importance of life and safety issues as well as efficient government, and entertained a motion. **Supervisor Aldean moved to introduce, on first reading, Bill No. 130, an ordinance amending the Carson City Municipal Code, Title 15, Buildings and Construction, Chapter 15.05, Building Code, Section 15.05.020, Adoption and Administration of Building and Construction Codes, by repealing the adoption of Sections 109.3.5, Roof Nail Inspection, Section 109.3.7, Insulation Inspection, Section 109.3.8 Lath and Gypsum Board Inspection, and Section 109.3.10, Energy Efficiency Inspections, and amending Sections 109.3.9, Fire-Resistant Penetrations, to include Fire-Resistant Assemblies, and Section 106.3, Examination of Documents, to exclude certain items from the plan review process. Supervisor Williamson seconded the motion. Motion carried 5-0.** Mayor Crowell thanked the citizens for their attendance and participation.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 14

DRAFT

27. PURCHASING AND CONTRACTS

27(A) ACTION TO DETERMINE THAT CONTRACT NO. 0910-121 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. 0910-121 WITH BLACK AND VEATCH CORPORATION TO PROVIDE ON-CALL WATER SYSTEM PROFESSIONAL SERVICES THROUGH DECEMBER 3, 2010, WITH THE OPTION TO AUTOMATICALLY RENEW FOR ONE YEAR, FOR A NOT-TO-EXCEED COST OF \$200,000.00, TO BE FUNDED FROM THE WATER FUND ACCOUNT PROFESSIONAL SERVICES AND VARIOUS WATER CAPITAL PROJECT ACCOUNTS, AS PROVIDED IN FY 2009 / 2010 (10:53:40) - Mayor Crowell introduced this item. Public Works Department Director Andrew Burnham reviewed the agenda report, and explained the need for contracting the service. He noted the not-to-exceed cost of \$200,000. In response to a question, Deputy Public Works Director Ken Arnold advised of the possibility of task-order components which may correspond to some American Recovery and Reinvestment Act ("ARRA") funding. He acknowledged that the contract work is for a project which has been allocated ARRA funding. Supervisor Aldean noted a necessary correction to the contract termination date at Section 7.2.1.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to determine that Contract No. 0910-121 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. 0910-121 with Black and Veatch Corporation to provide on-call water system professional services through December 3, 2010, with the option to automatically renew for one year, for a not-to-exceed cost of \$200,000.00, to be funded from the water fund account professional services and various water capital projects, as provided in FY 2009 / 2010, with corrections as identified by Supervisor Aldean. Supervisor Aldean seconded the motion. Motion carried 5-0.** Mayor Crowell recessed the meeting at 11:00 a.m. and reconvened at 11:10 a.m.

27(B) ACTION TO DIRECT STAFF TO SEEK PROPOSALS FOR THE CONSTRUCTION AND OPERATION OF A RESOURCES RECOVERY AND WASTE-TO-ENERGY FACILITY AT THE CARSON CITY SANITARY LANDFILL (11:10:29) - Mayor Crowell introduced this item. Deputy Public Works Director Ken Arnold reviewed the agenda report. Supervisor Livermore provided historic information on the City's assumption of the landfill operation, and expressed concern over "unknown consequences." Mr. Arnold assured the Board members that staff will carefully oversee the process in order to ensure the City's interests are best served. In response to a question, Mr. Werner advised that the City has a month-to-month contract with Carson City Renewable Resources, which will have an opportunity to participate in the subject process. He assured the Board "we've got ... buy in and cooperation with everybody involved." Supervisor Aldean suggested the respondents should be mindful of what the City considers a necessary income stream. Public Works Department Director Andrew Burnham discussed consideration given to "growing our income stream." He advised of the potential that Douglas County and South Lake Tahoe may wish to participate.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 15

DRAFT

In reference to paragraph 8, Development Schedule, of the Request for Proposal included in the agenda materials, Supervisor Aldean suggested requesting the respondents to provide a phasing plan to minimize interference with the existing landfill operation. She commended the requirement for respondents to submit proposals and statements of qualification on recycled paper. She noted a necessary correction to Section 4.1 of the Request for Proposal. Supervisor Williamson commended the innovation and timing of the proposal, and cautioned staff against further reducing fees for non-residents. She commended the City's landfill operation and management. Mayor Crowell commended City staff for conducting due diligence on the proposal. He noted the City's unique position to entertain the proposal because of owning the landfill.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to direct staff to seek proposals for the construction and operation of a resources recovery and waste-to-energy facility at the Carson City Sanitary Landfill. Supervisor Walt seconded the motion. Motion carried 5-0.**

28. PUBLIC WORKS DEPARTMENT PLANNING DIVISION; OPEN SPACE MANAGER - ACTION TO PROVIDE RECOMMENDATIONS TO THE BUREAU OF LAND MANAGEMENT ("BLM") REGARDING THE SALE OF CERTAIN BLM PROPERTIES IDENTIFIED FOR DISPOSAL IN THE OMNIBUS PUBLIC LANDS MANAGEMENT ACT OF 2009, APNs 009-032-03, 10-061-77, 10-062-60, 10-064-01, 10-082-04, 10-083-06, 10-084-02, AND -03, 10-087-05, -06, -07, AND -08, 10-093-03 AND -05, 10-094-02, 10-097-02, 10-098-01 AND -02, 10-192-04, AND PORTIONS OF APNs 008-011-19, 008-521-20, 009-301-01, AND 009-273-02 (11:26:10) - Mayor Crowell introduced this item. Open Space / Property Manager Juan Guzman advised that he was present on behalf of Planning Division Director Lee Plemel, reviewed the agenda report, and narrated a SlideShow presentation.

Mayor Crowell entertained public comment. (11:36:12) Dan Jacquet, of the Bureau of Land Management, advised that BLM representatives have been working with Mr. Plemel and Mr. Guzman over the past few months. He expressed agreement with the recommended action, and commended it as in the best interests of both the BLM and the City.

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to direct staff to forward to the Bureau of Land Management the recommendations for disposal of BLM properties in accordance with the provisions of the Omnibus Public Lands Management Act of 2009, as presented by staff. Supervisor Livermore seconded the motion. Motion carried 5-0.**

29. PUBLIC WORKS DEPARTMENT PLANNING AND ZONING - ACTION TO ADOPT BILL NO. 128, ON SECOND READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, TO MODIFY THE DEFINITION OF "ANIMALS AND FOWL," AND OTHER MATTERS PROPERLY RELATED THERETO (11:37:40) - Mayor Crowell introduced this item. Principal Planner Jennifer Pruitt reviewed the agenda report, and advised of having received no additional comment since introduction on first reading. She noted the proposed ordinance is consistent with Title 7, Animals.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 16

DRAFT

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to adopt Bill No. 128, on second reading, Ordinance No. 2009-26, an ordinance amending Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words and Terms Defined, to modify the definition of “Animals and Fowl,” and other matters properly related thereto. Supervisor Aldean seconded the motion. Motion carried 5-0.**

30. HUMAN RESOURCES DEPARTMENT - ACTION TO APPROVE AN EMPLOYMENT CONTRACT FOR LAWRENCE A. WERNER (11:39:35) - Human Resources Department Director Jennifer Schultz reviewed the agenda report, and advised of having provided revised copies of the subject contract to the Board members and the Clerk following review of the contract with Supervisors Aldean and Livermore. At Mayor Crowell’s request, Ms. Schultz provided an overview of the subject contract; she responded to corresponding questions of clarification. In response to further questions, she advised there are no automatic pay increase or bonus provisions included in the contract. Supervisor Livermore noted the contract provision requiring Mr. Werner to present the Board with proposed goals prior to January 1, 2010. Supervisor Williamson discussed the importance of the City Manager’s base salary remaining at five percent higher than the current salary of any appointed department director. She noted the City Manager’s position is “a 24-hour a day job,” and suggested that, based on other city and county managers salaries, whenever a new City Manager is hired, “we’ll have to pay a much higher fee.” Based on her experience, she discussed the self-sacrificing nature of city managers and their tendency to “pass” on merit increases in times of financial crisis.

Mr. Werner expressed appreciation for the opportunity to have served under the previous agreement, and agreed with the appropriateness of a contract in consideration of Supervisors Williamson’s and Livermore’s comments. He thanked the Board members for their consideration. Mayor Crowell thanked Mr. Werner, and noted the benefits of a combined city / county government. He expressed appreciation for Mr. Werner’s contract establishing “the tone” for upcoming discussions with City employees in consideration of the current economy.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to approve an employment contract for Lawrence A. Werner, as revised and presented at this meeting. Supervisor Livermore seconded the motion. Motion carried 5-0.** Mayor Crowell thanked Mr. Werner and Ms. Schultz.

31. BOARD OF SUPERVISORS NON-ACTION ITEMS:

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (11:50:03) - Supervisor Walt thanked Mayor Crowell, Sheriff Ken Furlong, and District Attorney Neil Rombardo for their participation in the production of the Nutcracker. She advised that the Thanksgiving Day Turkey Trot was a success, and thanked Supervisor Williamson for her participation. She commended the community’s support of the Arlington Square Ice Rink. Supervisor Williamson announced the Silver and Snowflakes Christmas Tree lighting event at the capital grounds and at the Presbyterian Church. She advised of a special rate at the Arlington Square Ice Rink in connection with the Silver and Snowflakes event.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the December 3, 2009 Meeting
Page 17

DRAFT

STAFF COMMENTS AND STATUS REPORT

32. ACTION TO ADJOURN (11:52:06) - Supervisor Aldean moved to adjourn the meeting at 11:52 a.m. Supervisor Williamson seconded the motion. Motion carried 5-0.

The Minutes of the December 3, 2009 Carson City Board of Supervisors meeting are so approved this _____ day of January, 2010.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 10, 2009 Meeting

Page 1

DRAFT

A meeting of the Carson City Board of Supervisors was scheduled for 6:00 p.m. on Thursday, December 10, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

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

STAFF: Andrew Burnham, Public Works Department Director
Neil Rombardo, 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 recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

1 - 4. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE (6:04:45) - Mayor Crowell called the meeting to order at 6:04 p.m. Roll was called; a quorum was present. Chet Alexander led the pledge of allegiance.

4. ACTION ON APPROVAL OF MINUTES (6:05:44) - None.

5. ADOPTION OF AGENDA (6:05:50) - Mayor Crowell deemed the agenda, consisting of one item, adopted.

6. PUBLIC COMMENTS AND DISCUSSION (6:06:05) - Darrell Peterson commended the ideologies of the proposed project, which is the subject of item 7.

7. OFFICE OF BUSINESS DEVELOPMENT - PRESENTATION BY STAFF REGARDING THE NUGGET ECONOMIC DEVELOPMENT PROJECT AND POSSIBLE ACTION TO DIRECT STAFF TO RETURN WITH SPECIFIC BUSINESS TERMS THAT FORM THE BASIS FOR POSSIBLE EXECUTION OF A DISPOSITION DEVELOPMENT AGREEMENT AND TO APPROVE TWO LETTERS OF INTEREST FOR MANAGEMENT OF THE BUSINESS AND TECHNOLOGY INCUBATOR AND THE SIERRA DIGITAL MEDIA LAB, THE PROPOSED FINANCE PLAN, AND THE PROJECT SCHEDULES (6:08:21) - Mayor Crowell introduced this item, and Business Development Manager Joe McCarthy reviewed the agenda report. Mr. McCarthy introduced Meridian Business Advisors President Candace Evert and Director Eugenia Laramore. Ms. Laramore narrated a PowerPoint presentation of the Nugget Economic Development Project Market, Economic Impact, and Financial Analyses, copies of which were included in the agenda materials.

Consultant Mark Lewis narrated a portion of the PowerPoint presentation pertinent to the private / public aspect of the proposed development. The role of the Redevelopment Authority "would be to construct public facilities" such as the library, infrastructure, parking, transit hubs, the business incubator, and the digital media lab. "Public dollars for public facilities." The private sector would be responsible for constructing office buildings, retail, residential, and an entertainment component for the project. Mr. Lewis

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 10, 2009 Meeting

Page 2

DRAFT

advised that the Hop and Mae Adams Foundation responsibility would be “to fund community partnerships.” He provided background information on the mission and purpose of the Hop and Mae Adams Foundation. “Their land contributions for this project would be in the form of long-term leases that would generate income ... [which] would come back to the community in terms of reinvestment in ... projects.”

Consultant Robert Hartman provided background information on his experience in the technology industry, and narrated portions of the PowerPoint presentation pertinent to the Knowledge and Discovery Library, the Sierra Digital Media Lab and the Business Technology Incubator proposals. Carson City Library Director Sara Jones narrated a portion of the PowerPoint presentation pertinent to the Knowledge and Discovery Library proposal. Mr. Hartman continued narrating the PowerPoint presentation, specifically an explanation and review of the business incubator concept. He provided background information on a Reno business incubator, C4 Cube, and introduced its Founder and Partner Ky Good and Executive Director Norman Smith. Mr. Good provided additional background information regarding C4 Cube, and introduced its principals. Mr. Smith provided background information on his experience with business incubators, in general, and with C4 Cube. He expressed an interest in participating in the subject project. In consideration of the previous testimony, Mr. Hartman noted the opportunity represented by the proposal. In reference to the digital media lab, he provided background information on Paul Siegel’s experience. Mr. Siegel thanked the Board and the citizens for the opportunity, and provided background information on his involvement in the proposed digital media lab. He introduced a video clip of a current PBS program to demonstrate the behind-the-scenes function of a digital media lab. He narrated a portion of the PowerPoint presentation pertinent to the digital media lab, and presented an additional video clip of a Korean program, portions of which could be produced in Carson City.

Consultant Mark Lewis discussed the Knowledge and Discovery Library in consideration of the number of citizens which use the existing library. He discussed the concept of adding a business development component to the existing library “to drive economic development in the community.” He referenced the business incubator and digital media lab “pieces” of the project, and suggested these elements represent “some class A office space.” “What we’re talking about here is to build a center on the downtown, and to build on the capitol complex and make the downtown a centerpiece. That gives us the opportunity to do some commercial and retail spaces, and then some residential spaces ...” Mr. Lewis also listed an entertainment venue, a public transit hub, and a public plaza as elements of the proposal. “... again, like the library, a central public plaza has always been a key component to successful communities; a place where the community can meet, can celebrate, can have events ...” Mr. Lewis narrated conceptual photographs of the same, and noted an interesting aspect of “the more modern, central, public plaza is that you add a lot of the technology into them: sound and lights, the ability to do ... theater ...”

In reference to the Mayor’s direction at the November 5th Board of Supervisors meeting, Deputy Business Development Manager Tammy Westergard advised that similar presentations have been made to the Carson City Chamber of Commerce, the Downtown Business Association, the Carson City Library Board of Trustees, the Redevelopment Authority Citizens Committee, the Sierra Nevada Association of Realtors, the noon Rotary Club, and the Lion’s Club. She further advised of having received “several calls from other service organizations in the community and have dates on the calendar to present to them in the next number of weeks.” In consideration of key stakeholders, she advised of having met with representatives of the Nevada Division of State Lands, Buildings and Grounds, Public Works, the Governor’s Office, the Gaming Control Board, the Public Utilities Service Commission, and the Division of Health and Human

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 10, 2009 Meeting

Page 3

DRAFT

Services. She noted that the Division of State Lands campus master plan is “just adjacent to the boundaries of this project.” Ms. Westergard further advised of having met with representatives of Western Nevada College relative to curriculum development and internship programming, with representatives of the Northern Nevada Development Authority, and with “the education community,” including representatives of charter and public schools. She advised that Ms. Jones has authored an education collaborative white paper, explaining the educational opportunities. Ms. Westergard advised of also having met with representatives of Carson-Tahoe Regional Healthcare. She expressed appreciation for the media attention the proposal has received, and introduced Carson Nugget, Inc. Vice President Steve Neighbors.

Mayor Crowell commended Mr. Neighbors on the Nugget’s corporate citizenry. Mr. Neighbors discussed his responsibilities, over the past eighteen months, as Mae B. Adams’ steward. He provided historic information on the Carson Nugget and the Adams family, relative to the Carson Nugget. He discussed Alan Adams’ efforts to consolidate the Carson Nugget real estate under the Mae B Adams Trust. He discussed Mae Adams’ philosophy behind forming the Hop and Mae Adams Foundation, and advised that he and Attorney Andrew MacKenzie will serve as trustees.

Mr. Lewis reviewed that portion of the PowerPoint presentation pertinent to the preliminary finance plan, copies of which were included in the agenda materials. He clarified that previously-proposed Question #18 funding would not be pursued. He reviewed the Preliminary Expenditure Plan, copies of which were included in the agenda materials. He advised that the proposed project “would not anticipate any property tax increase and just a small sales tax increase for funding the library.” Meridian Business Advisors estimate the actual cost per family would be “about \$26 per year.” Mr. Lewis reviewed the project schedule, copies of which were included in the agenda materials. He anticipated that “if we all work together as a community, it’s possible to break ground about a year from now. If that were to occur, then it’s possible that we could have doors open ... in November 2013.”

Mr. McCarthy reviewed the recommended action, as outlined in the staff report, and entertained questions and comments of the Board members. Mayor Crowell expressed appreciation for the citizens’ attendance, and complimented the development team on their presentation. He advised of having considered the proposal from the standpoint of whether it’s the right thing for the community and, in consideration of tax revenue, whether it is a proper investment of taxpayer money and “what does the community get for that investment.” He discussed the importance of considering whether the City can afford the proposed project in these difficult economic times, and of ensuring that the risk is acceptable from the investment and business standpoint. He suggested that part of the business and investment consideration is counting the cost of a lost opportunity. Supervisor Williamson thanked the citizens for their attendance, and described the proposal as an “exciting opportunity for our community.” In consideration of the Meridian Business Advisors presentation, she inquired as to “how we can afford not to do this; ... to take steps to control our own destiny and to invest in ourselves.” She pointed out that a library is a civic investment in “all fine communities,” and expressed support for using “this fine civic investment as a way to jump start our economy, provide good, high quality jobs for ourselves, our youth, and generations to come, and that we ... seize an opportunity in time and move forward ...” She looked forward to working together in making the proposal a reality.

Mayor Crowell requested Mr. Lewis to provide an overview of the method by which the project will proceed forward. Mr. Lewis referenced the project partners, including the City, the Nugget Foundation, and a developer. He suggested the likelihood, because of the project complexity including public and

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 10, 2009 Meeting

Page 4

DRAFT

private improvements, for two developers working together. Mayor Crowell inquired as to which partner would bear the responsibility of development cost. Mr. Lewis advised that development agreements would outline the details, but suggested the City would likely want to “pass the risk of the construction on to the developer.” In response to a further question, he advised that City funding would be allocated only to public improvements. In response to a further question, he advised that public improvements are “traditionally built by public agencies. The library is a good example,” as is the public plaza. The digital media lab and business incubator, “areas where cities are trying to develop new businesses as part of their economic development plan and program are generally funded by the economic development agencies.” The office buildings, commercial, retail, and residential portions of the project “and their share of the infrastructure would all be funded by the private side.” Mr. Lewis acknowledged the potential of a developer willing to “spend the balance of the money, roughly \$46 million ... in our community.” He further acknowledged the potential developer is “comfortable with the mix of projects” presented. In response to a question regarding the existing space to be left vacant by state agencies, he advised that the business incubator will “focus on generating jobs and companies that will take up that vacant space. ... While the library is a catalyst for the project itself, the project itself is a catalyst for the community. It will drive jobs outside the project.” He discussed the economic decline in the community which “if left uncorrected is going to have dire consequences ...” He advised that the focus of the Hop and Mae Adams Trust “is to bring jobs into the community so that the economic structure of the community gets corrected.”

In reference to the Meridian Business Advisors presentation, Supervisor Livermore discussed various reasons families choose to live outside Carson City. He further discussed vacant medical office space around the former Carson-Tahoe Hospital property. In response to a question, Mr. Good advised of having met with Western Nevada College President Carol Lucey. He expressed a willingness to work with WNC representatives, and discussed the potential of internship programs. In response to a further question, he provided the Reno business address of C4 Cube. In reference to a Chamber of Commerce vacancy study, Supervisor Livermore inquired as to the method by which the proposed project will “solve the vacancies in the buildings that currently exist on Carson Street.” Mr. Lewis expressed the “hope and plan ... for this project to be a catalyst ... for the rest of the community. As this project drew people into the downtown area, as a city center, then the vacant businesses and stores on Carson Street would have a better opportunity of leasing out.” In response to a further question, Mr. Lewis expressed the hope that the economy begins to recover sooner than 2013. “The notion of creating literally hundreds of jobs pretty quickly as this project begins, in construction, certainly should have a huge boost to the local economy. And then as the project completes itself, then the permanent jobs will begin to take place. And it’s that economic activity that will help the community recover.” Supervisor Livermore noted Jeff Winston’s presence in the meeting room, and referred to the downtown vision developed following several community charrettes facilitated by Mr. Winston. In response to a question, Mr. Lewis advised that the proposed project is “right in the middle of that area ... kind of dead center. The whole notion of creating a centerpiece in the downtown and creating an urban area is what ... was envisioned by the charrette.”

In response to a previous question, Mr. Hartman discussed the opportunity to involve WNC students in digital media projects via an internship program. In reference to Mr. Siegel’s presentation, he advised that the digital media lab could be opened within a period of several months. Supervisor Livermore inquired as to acquisition of the land for the library. Mr. Neighbors theorized that land will either be donated to the library or “set up on a ground lease where the library pays a lease ... and then that money is set back up for the library to do future things as determined by the Foundation and Sara [Jones]. For the rest of the property, I envision a 99-year ground lease where, as that income stream comes in, then it will be brought

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 10, 2009 Meeting

Page 5

DRAFT

back to the Board of Supervisors for additional community efforts. All of the money coming out of the leases will be brought back to the community. There's no profits being made in the foundation ... There's no gift of the land to the developer and there's no gift of the land to the City just to consume it and it be gone. This is a perpetual foundation where what monies are paid back in some kind of reasonable lease rent will be reinvested back into the community." In response to a further question, Mr. Lewis advised that "all these agreements plus the final reading of the sales tax" to the Board "at the same time so that you would have the decision-making authority to consider all of the elements, all put together as a single package before you made any final decisions on anything." Supervisor Livermore discussed operating costs, and requested the consultants to present the funding sources. In reference to the Preliminary Funding Plan, Mr. Lewis noted that revenue sources have been "set aside ... for operations. As we get back to the next level, we will quantify those and bring them back to you for your final review." He advised that approximately \$320,000 in program income has been set aside, in addition to sales tax revenue generated from the site for operations.

Mayor Crowell remarked on the phenomenal opportunity represented by Mr. Neighbors' statements. In response to a question, Mr. Neighbors discussed the theory of a "bare-ground lease, so really Mae's foundation is paid only the value of the bare ground and that lease amount will then be set aside to be brought back to the community on another project. There will be other costs in there that will be determined by the developer to pay for the brick and mortar and their investment. Mae is making an investment of the land; the developer is making a business investment to make profit on the brick and mortar and the City is participating in that." In response to a further question, he expressed the belief there should be "bare-ground rent set aside under the library, strictly for the library, and that money gets accumulated so Sara [Jones] has a tool to get other grants and / or to make changes to the library to stay current and be aggressive and make Carson City's Library one of the best. We have one of the best directors. Let's give her the tools to get her facility and keep it that way."

Supervisor Walt thanked the development team and City staff for all of their time, and discussed the purpose of the presentation to receive community input. She described the proposed project as an investment in the future. She encouraged an optimistic view of the proposed project and for the citizens to direct their questions to "knowledgeable people." She expressed excitement over the opportunity to participate in such a project, and thanked the consultant team.

Supervisor Aldean advised of having met with many of the consultants, and commended the presentations. She described the preliminary funding plan as "a little nebulous," and inquired as to whether the City / RDA capital funds involve an increase in franchise fees. Mr. McCarthy advised of Mr. Werner's assurances that, "in the process of creating the next budget, we have the ability to take a look at capital funds to the tune of about \$1 million a year. That could fill the gap on this project. That is not specifically franchise fees increase or any other revenue at this time, but it could be a mix of those things." Mr. McCarthy advised that the finance plan will be re-presented with more specificity. In response to a further question, Mr. Lewis advised that the calculated TIF is only that within the project area itself. The TIF outside the project area are likely to see an increase in value as the project goes forward. Those values have not been calculated and would potentially be a source of revenue for this project. Supervisor Aldean inquired as to the \$20,000 per parking space estimate. Mr. Lewis advised of having reviewed actual construction costs for the most recent parking structures built in northern Nevada. "They ranged from \$15,000 a space up to \$18,000 a space. ... Just to be conservative, we took a little bit higher number than that ... That is all in construction and soft costs for that particular structure." In response to a further

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 10, 2009 Meeting

Page 6

DRAFT

question, Mr. Lewis advised that surface parking costs, with a conveniently available site, would be substantially less. Supervisor Aldean advised of having calculated the square footage in consideration of the current parking ratio required by the Carson City Municipal Code, and suggested reviewing the proposed parking. She expressed concern over the existing downtown merchants, and Mr. McCarthy advised of the development team's consideration for the parking associated with the proposed project "to provide additional parking for all of the businesses in the area." He assured the Board that the development team will "do its homework."

Mr. Lewis acknowledged that the \$200 per square foot cost associated with the business and technology incubator and the digital media lab refers to turn-key spaces. Supervisor Aldean expressed understanding for the nexus between the business and technology incubator and the digital media lab. In reference to Mr. Siegel's presentation and the understanding that digital media labs "can be quite lucrative," she inquired as to the reason for including the digital media lab in the public sector component of the project. In reference to Mr. Good's presentation, Mr. Lewis advised that most business incubators have a theme focused on a business sector. "Our business sector, which we believe has the ability to provide the most jobs and create the most interest, is the media lab." In response to a question, Mr. Smith advised that C4 Cube is a privately-funded business incubator. Supervisor Aldean inquired as to the reason for Carson City's business incubator requiring a public subsidy. Mr. Smith described a public / private business incubator in Concord, California "where two-thirds of the funding was coming from private sources; a third was coming from a public source ... seventeen different city councils." He noted the advantage to move quickly when necessary. "Typically, an incubator will generate a company graduating using in an incubator space about 600 square feet. When they graduated outside into the community, where they stayed about 92 percent of the time, they would take an average of 3,000 square feet of space. The advantage of having the public entity aware of what was going on there raised not only our profile but made opportunities available when those guys were going back out into the community." Mr. Smith expressed the opinion that the opportunity to involve all phases of the community is better served by a public / private partnership, as proposed. Supervisor Aldean inquired as to the possibility of requiring business incubator graduates to continue doing business in Carson City. Mr. Smith advised that C4 Cube does not allow anyone to present to local investors without understanding that an actual investment will require moving to Nevada. He acknowledged the possibility of making the move to Nevada compulsory. In response to an earlier question, he explained that a "typical incubator process is somewhere between 18 and 36 months. It takes that long to attract management, create the disciplines, find the funding, and create the product or the commercialization. Because of those things, there is an opportunity there the same day that your business and technology incubator opens that you can have graduates out of there. It serves a community well ..."

In consideration of the financial analysis, Supervisor Aldean noted that Carson City's sales tax increased, following the last legislative session, by 0.35 percent, to 7.475 percent. With the additional 0.125 percent, "we're up to 7.6 percent which means that we are still competitive with Storey and Washoe [Counties] but we're not competitive with Lyon or Douglas [Counties]." Supervisor Aldean suggested keeping this in mind in consideration of unanticipated consequences. Mr. McCarthy noted the importance of the Board ensuring retention of the Carson City auto dealers.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 10, 2009 Meeting

Page 7

DRAFT

Mayor Crowell opened this item to public comment, and provided direction with regard to the same. (8:33:17) Western Nevada College Vice President of Institutional Affairs Helaine Jesse commented on the “great working relationship” between the City and WNC, and committed to doing “whatever we can to help diversify the economy and support you in your efforts.” She provided business cards to Mr. Siegel and Mr. Hartman.

(8:34:20) Drew Simmons, representing the Carson City Chapter of WE of the World, read a letter into the record expressing support for the proposed project.

(8:37:06) In consideration of education, Karen Abowd expressed support for the digital media lab. “It’s something that will allow us to raise and keep a young work force.” She expressed the opinion that the proposed project represents an opportunity for “our young kids to stay here and help grow this community.” As a business owner, she discussed the City’s need for a stimulus package and suggested “this is it.” “We can attest to the declining ... sales tax revenue. The businesses here are in a choke hold and if we don’t do something about this soon, we’re going to be in dire straits.” She described the proposed project as “a blessing.”

(8:38:13) John Procaccini, representing the Brewery Arts Center, discussed the struggle to recruit “new members, new faces. ... Without a face lift, in the next few years, we’re going to struggle immensely.” In consideration of the digital media lab, Mr. Procaccini advised that Mr. Siegel had toured the Brewery Arts Center, where “much emphasis” has been placed on digital media programs. “Without the help and the collaboration of a venture like this, we will ... be left in the dust.” Mr. Procaccini expressed wholehearted support for the proposed project.

(8:39:59) Northern Nevada Development Authority Executive Director Rob Hooper expressed excitement over the proposed project, and described it as a “rubber hits the road action ... putting into place all the things that all the multiple consultants that we’ve paid thousands of dollars to have said, ‘Here’s what’s important for the region and for the City.’” He reviewed the results of various studies conducted over the years in consideration of the opportunities represented by the proposed project. He noted the importance of the “cluster” component of the proposed project “because it creates a magnetic effect,” and the emphasis on “digital high tech which is recognized by the [venture capital] community and by everybody in technology as the future growth area.” He commended the development team, the Nugget representatives, City staff, and the Board members.

(8:43:32) Sherri Glockner, representing Carson-Tahoe Regional Healthcare, noted that the Carson-Tahoe Regional Medical Center facility was first occupied four years ago. She expressed the opinion that the facility represents the vision of “proactive, determined leadership.” She read into the record a statement from the Carson-Tahoe Regional Healthcare Board of Trustees and Chief Executive Officer. Mayor Crowell commended the Carson-Tahoe Regional Medical Center and noted its positive contribution to Carson City’s quality of life.

(8:44:55) Gene Paslov commended the impressive endeavor, and strongly encouraged the Board’s serious consideration in terms of approval. He noted the opportunity “for Carson City to become very special at a time when Carson City needs to be very special ...” He expressed the opinion that the development project represents a “tremendous stimulus,” but offered “a few cautions.” He discussed the importance of careful management in order to avoid cost overruns “which will kill something like this.” He expressed

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 10, 2009 Meeting

Page 8

DRAFT

excitement over the business incubator, but noted that “business incubation has usually been developed in urban areas. This is an urban / rural area, and it’s usually centered around, in many cases, ... research universities ...” He commended WNC as a “first-rate college” with “intellectual capital,” but expressed uncertainty over WNC’s research capabilities to the extent necessary. He encouraged engaging in appropriate conversations with WNC, Sierra Nevada College, and University of Nevada representatives. He suggested considering expansion of the digital medial lab concept, and expressed support for the “loft concept.”

(8:50:08) Chet Alexander expressed concern over unintended consequences, and suggested that operating costs for the proposed library will be considerably more than those for the current library. “That money’s got to come from the tax base.” He expressed the concern that the proposed project could “put this City in bankruptcy.”

(8:51:08) Phyllis Patton, as a private citizen, commended the proposed project as “a wonderful idea,” and the “whole team for your innovative, creative, outside-the-box thinking in bringing this community some chances to better themselves rather than waiting for the economy to right itself.” As Library Board of Trustees Chairperson, Ms. Patton advised of “100 percent approval to this team to go forward with what they had and with our Director, Sara, to work with them.” In consideration of previous comments, Ms. Patton advised of the Library Board of Trustees’ adavance over “a green ... library, and the estimates that we’ve seen from other public libraries ... built in the last few years, their operating costs are not raised by much at all.” She expressed confidence that the new library could be operated “basically with the same budget that we had before the last three cuts.”

(8:53:07) Darrell Peterson expressed appreciation for Mr. Procaccini’s attendance and participation. In response to a question, Supervisor Walt advised that Jeffrey Scott, of the Wild Horse Theater, had expressed support for the proposed project via e-mail correspondence earlier in the day. Mr. Peterson discussed the importance of the digital media lab incorporating local arts productions. Mr. McCarthy read Mr. Scott’s e-mail correspondence into the record.

(8:56:01) Former State Archivist Guy Rocha noted that Nevada and Carson City are at an economic threshold. “You are experiencing history. This is a tremendous economic crisis. ... There’s no question that this state and this community have to reinvent itself.” He noted that the state relied on mining for many years and “then developed a service economy, with all its component parts, principally casino gambling.” He predicted that Nevada’s service economy will never be a growth industry again. “We are at that kind of threshold. Knowing that, and its impact, all these communities ... have to ask themselves what they’re going to do.” Mr. Rocha described the proposed project as a potential solution. He suggested that “Nevada’s had, for a long time, a something-for-nothing mentality. It grew out of our addiction to tourism that we could get people to principally gamble, lose their money, and make it all easier on us. And it worked for a long time.” He noted that 39 states now have legalized casino gambling. “The question is, what are we going to be in the 21st century.” Mr. Rocha expressed an interest in the details of the proposed project. “If this project is not the right investment, ... what is? Who’s bringing anything else forward at this point?” Mr. Rocha commended the synergy represented by the proposed project, and expressed excitement. He acknowledged the proposed project represents risk and cost, and inquired again as to what risk will be taken if not this. He expressed concern over an indefinite period in decline of Carson City, and requested the Board’s serious consideration. Mayor Crowell noted the risk involved with doing nothing.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 10, 2009 Meeting

Page 9

DRAFT

(9:03:17) Peter Barton, representing the State of Nevada Division of Museums and History, specifically the Nevada State Museum, a neighbor to the Carson Nugget and sharing a complimentary mission with the City's public library, expressed an interest in "seeing the library expand and become even closer, in proximity, to the museum." In reference to earlier comments, Mr. Barton advised that "information has to be mined. Within the collections of the State Museum, there's a lot of information that tells us so much about why Nevada once led this nation in so many ways. It wasn't that we were always best of the worst and worst of the best." Mr. Barton advised that museum visitors "are more sophisticated than ever" in consideration of their experiences with Disney, Universal Studios, etc. "They expect more from their leisure-time activities. They want a higher level of engagement with the content that we have in our collections." Mr. Barton suggested that a partnership with the library and a digital media lab to "develop and deploy new technologies for our museum translates into more people downtown; more people visiting our museums, walking away with a better understanding about Nevada." He described a vision for a "holographic image of Abe Curry" to walk with the museum visitor "and explain to them the history of early Carson City as they walk through." Mr. Barton discussed the necessity of the project and of the investment, and encouraged the Board's support. Mayor Crowell thanked Mr. Barton and the Nevada State Museum staff for their contribution to Carson City's cultural quality of life.

(9:05:42) Commercial Realtor Brad Bonkowski advised that the commercial vacancy figures in the Meridian Business Advisors report were generated by his office over the past summer. He commended the presentation as "exciting," and suggested that "all good ideas boil down to the money needed to fund" them. He inquired as to a provision, "on a land lease basis, ... where the tax-exempt status of the City would preclude property tax from being collected ..." He expressed concern that this would change "the financial impact on the revenue stream that's in this report." Mayor Crowell expressed the understanding that the question of whether the library "starts off as being a public ownership or private ownership" has yet to be determined. Mr. Lewis advised that the study addresses the question "on both sides of the page. If it's publicly owned and privately owned and how the tax issues are to be dealt with. If it's privately owned and publicly leased, there is a tax that's being paid ... in essence, a lease-hold tax. If it's privately owned, there's also a property tax that's being paid. ... If it's publicly owned, then there's no property tax to be paid." Mr. Lewis referred to an analysis "in the study that takes a look at those questions." Mr. Bonkowski noted the two letters of intent from State agencies to relocate "to class A office space in downtown," will, in turn, vacate the "same amount of space in other parts of the City." He further noted some apparent discrepancies between the square footage indicated for the incubator and digital lab in the preliminary financial information and the construction costs "on the next page." He inquired as to a public process "on the financial side of this for some further clarifications as we go through this process ..." He noted that "operating costs is another issue that's been brought up several times tonight." Mayor Crowell assured Mr. Bonkowski that project details will also be subject to the public process. He advised of no intent to vote for any tax increase without understanding the private commitment, as well. He expressed the belief that the development team "is on the same page ... There'll be times between now and when that occurs that the public's input will be, again, solicited. But it's going to take a little bit to put some of the fine point on some of the financing details as they get worked out ..."

(9:12:05) Donna Curtis advised of "mixed feelings" associated with the project. She expressed excitement over the concept, and uncertainty as to whether a business incubator is "really valid for Carson City." As Friends of the Library Vice President, she expressed support for a new library. She advised of having been recently informed that "Parks and Recreation was a partner on this," and of never having "seen anything on this project." She further advised of having first reviewed documentation on Tuesday, at which time

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 10, 2009 Meeting

Page 10

DRAFT

the finance plan included a \$4.4 million allocation from Question #18. She advised that the Parks and Recreation Commission had not been previously made aware of the proposed allocation, and expressed the understanding that the Parks and Recreation Director had also not been made aware. She expressed appreciation that the proposed allocation had since been removed from the preliminary finance plan. She expressed the opinion that the process, “up to this point, is a little problematic in the fact that, if you’ve got partners, then you need to take the documents and the reports to the partners and explain to them thoroughly what’s going on and give us ... a chance to respond.” She expressed appreciation for statements made, at this meeting, that the presentation will be made to the advisory boards, commissions, and committees, and the desire “to see parks and recreation remain a partner on this project.” She expressed the opinion that “we will have proven, in terms of the ice rink, that when you let parks and recreation do something that they know something about, they can make a success of it.” She expressed concern over the “impacts of this project on the Carson City budget.” In response to a question, Planning Division Director Lee Plemel explained the opportunity to leverage Community Development Block Grant (“CDBG”) funds. Ms. Curtis inquired as to the source for the capital funding, and advised of “maybe 75 [parks and recreation] projects that we’ve been trying to get funded, like improvements to the restrooms in Sonoma Park. There’s been no capital money available for us to do that ...” Ms. Curtis expressed concern that “any money the City may, someday if things get better, pull together for capital projects would all be going into this project or whether the City’s going to have some money as they’ve had in the past for us to be able to do some things.” In response to a further question, Mayor Crowell advised that sales tax revenues would be allocated to the general fund. The rent would be allocated to the Hop and Mae Adams Trust, to be “used for Carson City projects that they would bring to the Board of Supervisors.” Ms. Curtis expressed an interest in a “three-dimensional presentation” as part of a charrette process. Mayor Crowell noted the significance of the private / public partnership in that “the private entity is really the one bringing the opportunity to us.” He reassured the citizens of sufficient opportunity for public participation.

(9:19:59) Kathy Halbardier, of the University of Nevada, Reno Small Business Development Center, expressed appreciation for the City’s long-time support of her program. She provided background information on a recent small business innovative research national conference hosted in Reno.

(9:21:17) Dennis Johnson commended the project concept, and advised that he would be forwarding questions regarding “the details.” He commended the presentation, and expressed concern over clarification of library operating costs. Ms. Jones provided background information on her 23 years’ experience operating libraries. She discussed plans to build a new library “that can be managed with the operating costs that we have right now, the people that we have right now.” She acknowledged the understanding that “human resources will not be plentiful or even extra or even constant.” She advised that a new library building will have improved energy efficiency, translating to reduced utility costs. “With some technology investment, we can really reduce human resource needs.” Ms. Jones reiterated the plan to operate a new library “with the operating budget that has been given and indicated from the City in the years past.” Mr. Johnson offered to e-mail his list of questions, and suggested they could be answered at the next public meeting. Mayor Crowell advised that the Meridian Business Advisors report is available on the City’s website.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 10, 2009 Meeting

Page 11

DRAFT

(9:26:20) Greg Carr advised that he will be moving to the area because of the business incubator. “It gives you the opportunity to marry expertise, investment, and new ideas together and build something big. ... It also attracts to the community the angel investor.” Mr. Carr advised he is also a Northern Nevada Development Authority investor “because I think once we start attracting angel investment, we’ll also start attracting businesses into Nevada.” The Board members welcomed Mr. Carr to Carson City.

(9:27:10) Carson City School District Associate Superintendent of Human Resources Jose Delfin expressed excitement over the proposed project. On behalf of the Carson City School District, he stated, “We remain poised, positive, and a pillar of strength for this community as ... within our midst we have students that are very talented who are the next ... Donald Trumps, the next mayors of this City, and we are really working hard in our school district to develop great citizens for not just this City but for the nation.” Mr. Delfin expressed appreciation for the partnership between the City and the School District. Mayor Crowell commended the School District on its community partnership. Mr. Delfin commended Carson High School athletic teams on their achievements this year. He discussed award-winning culinary and web design programs at the high school.

(9:29:10) In reference to his involvement in the Downtown Consortium, Attorney Chris MacKenzie discussed a preference for proposals to be made from the business community rather than from the City. “This is well beyond anything I anticipated happening ...” He expressed appreciation for the “huge opportunity,” and acknowledged the need to “iron out” details. He discussed the need to attract young professionals to Carson City, and encouraged the Board to seize the opportunity. Mayor Crowell thanked Mr. MacKenzie for his involvement in the Downtown Consortium.

(9:30:53) Carson High School Librarian Corey King advised of an “education bias,” and commended the project as “a great opportunity not only for the public library but for education for everybody in this community, birth to grave ...” He discussed student opportunities represented by the business incubator and the digital media lab, and expressed support as a librarian. As a citizen, Mr. King expressed faith in the community “that things will keep getting better here.” He advised of having lived in Carson City for the past nine years, and that he is nearly 35 years old. He expressed concern over Carson City’s future and, in reference to previous comments, described the project as “an opportunity that I don’t think we can pass up. ... In the long run, this is an investment in our community. It’s going to take years for us to see the full benefit, but ... we need to take a serious look at it.” He acknowledged details to be “ironed out,” but suggested “at its core, this is a great project” for which he expressed full support.

(9:33:20) Silver State Charter High School Senior Marcie Harris expressed support for the project. She discussed her frequent use of the library, and expressed the opinion that the project will benefit the community as a whole, as well as “the teens and students ...”

(9:34:10) Carson City Symphony Conductor David Bugli discussed his involvement in community musical events, and expressed appreciation for the artistic component of the proposed project. He advised that “arts energize a city and the people, especially the young people.” He commended the project, and encouraged the Board and the development team to “work hard on the details.” Mayor Crowell thanked Mr. Bugli for his community involvement.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 10, 2009 Meeting

Page 12

DRAFT

Mayor Crowell entertained additional public comment; however, none was forthcoming. He thanked the development team, the Nugget representatives, and City staff for the professional presentation; the prospective business partners for their participation in this meeting and their interest in the community; and the citizens for the exceptional quality and tenor of the testimony presented at this meeting. He expressed the opinion that “tonight showed how democracy can really work if people keep a level head about things, make their comments, think through issues, and present them in a way that is respectful of the process ...” He entertained additional comments or questions of the Board members.

Supervisor Livermore echoed Mayor Crowell’s comments, and discussed the significance of the recommended action in consideration of the potential investment. Supervisor Livermore advised of having contacted Clerk / Recorder Alan Glover earlier in the day to discuss the possibility of including an advisory question on the primary election ballot. Supervisor Livermore provided historic information on his service as a Carson-Tahoe Regional Healthcare Trustee, and on development of the Carson-Tahoe Regional Medical Center. He expressed concern over “obligating my community to such a large commitment of taxes because ... what we have left to apply to this project, there’s nothing left. We have no ability to raise taxes beyond what the legislature may do.” He discussed the importance of involving the community in the decision, and a preference for the community to “have more options and more disclosure and more ability to sort out the pros and the cons of this.” He expressed appreciation for the effort invested in the presentation, and for the partnership opportunity presented by the Hop and Mae Adams Trust.

Supervisor Aldean expressed appreciation for Supervisor Livermore’s comments, and the opinion that the citizens in attendance “are pretty well informed because they have an inherent interest in the project ...” She expressed understanding for Supervisor Livermore’s recommendation, but suggested it represents “an easy way out for us.” She noted that the Board of Supervisors “do[es] this on a daily basis. We are bombarded with information and ... need to do our due diligence.” She expressed the opinion that the Board members, City staff, and the development team have sufficient intelligence to analyze the details. She disagreed with the Board members “abdicating our roles ...,” and expressed the opinion “we can make these critical decisions on behalf of our community. That’s why we were elected.” She noted that the City’s government structure is “not a direct democracy. We don’t send every issue to the voters to let them decide. It renders us impotent if we do that on a regular basis.” Supervisor Aldean advised of unanswered questions, but expressed the opinion the Board is “fully capable of continuing this conversation, this dialogue with the public to make them comfortable ...” She noted “time is of the essence,” and reiterated the Board’s responsibility “to make these critical decisions on behalf of the people we serve.”

Supervisor Williamson commended Supervisor Aldean’s comments, and offered to make a motion. Mayor Crowell entertained a motion. Mr. Rombardo advised that the letters of intent were written for the Redevelopment Authority and that acceptance of the Meridian Business Advisors report was not properly agendaized for action. **Supervisor Williamson moved to authorize staff to return with specific business terms that form the basis for possible execution of a disposition development agreement, to forward two letters of interest for the management of the business and technology incubator and the Sierra Digital Media Lab to the Redevelopment Authority, and to authorize staff to return with a proposed finance plan and the project schedule. Supervisor Walt seconded the motion.** Supervisor Livermore proposed an amendment to the motion to request staff to return with the elements providing for an advisory question to be placed on the June 10th primary ballot. Supervisor Williamson was unwilling to accept the proposed amendment. Mayor Crowell proposed an amendment to indicate that the letters of intent would be reviewed by the District Attorney. A brief discussion followed, and Mr. Rombardo agreed to review

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 10, 2009 Meeting

Page 13

DRAFT

the letters of intent. He noted that the letters of intent are non-binding, and reiterated that they would need to be approved by the Redevelopment Authority. Mayor Crowell clarified his interest in having the letters of intent reviewed by the District Attorney, and discussion took place regarding the pending motion. **Supervisor Williamson amended her motion to indicate that the letters of intent would be reviewed by the District Attorney. Supervisor Walt continued her second.** In response to a question, Mayor Crowell explained the mechanism for proposing an amendment to a pending motion, according to Robert's Rules of Order. Mr. Rombardo acknowledged the accuracy of the explanation. Mayor Crowell called for a vote on the pending motion; **motion carried 4-1.**

8. ACTION TO ADJOURN (9:51:57) - Supervisor Williamson moved to adjourn the meeting at 9:51 p.m. Supervisor Aldean seconded the motion. Motion carried 5-0.

The Minutes of the December 10, 2009 Carson City Board of Supervisors meeting are so approved this _____ day of January, 2010.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder