

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 1

DRAFT

A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, May 2, 2013 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Robert Crowell
Supervisor Karen Abowd, Ward 1
Supervisor Brad Bonkowski, Ward 2
Supervisor John McKenna, Ward 3
Supervisor Jim Shirk, Ward 4

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Neil Rombardo, District Attorney
Kathleen King, Deputy Clerk / 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

(8:30:03) - Mayor Crowell called the meeting to order at 8:30 a.m. Mr. Glover called the roll; a quorum was present. Supervisor Bonkowski introduced Carson High School Senior Class Vice President Mallory Wilson, who was seated at the dais. Supervisor Bonkowski advised that Incoming Student Body President Sam Bruketta would arrive later in the morning. Mayor Crowell welcomed Ms. Wilson. Shepherd of the Sierra Lutheran Church Pastor Norm Milz provided the invocation. At Mayor Crowell's request, Ms. Wilson led the pledge of allegiance. At Mayor Crowell's request, Pastor Milz provided a copy of the invocation. (8:34:49) Mayor Crowell invited Carson High School Student Body President Sam Bruketta to be seated at the dais.

5. PUBLIC COMMENTS AND DISCUSSION (8:33:35) - Mayor Crowell entertained public comment; however, none was forthcoming.

6. POSSIBLE ACTION TO ADOPT THE AGENDA (8:34:16) - Mayor Crowell entertained modifications to the agenda and, when none were forthcoming, a motion to adopt the agenda. **Supervisor Bonkowski moved to approve the agenda, as presented. Supervisor Abowd seconded the motion. Motion carried 5-0.** (9:09:37) Mayor Crowell modified the agenda to address item 15 prior to item 10.

7. SPECIAL PRESENTATIONS:

7(A) PRESENTATION OF A PROCLAMATION FOR NEVADA WILDFIRE AWARENESS WEEK, MAY 4 - 11, 2013 (8:35:09) - Mayor Crowell introduced this item and invited University of Nevada Cooperative Extension Living with Fire Program Director Ed Smith and Fire Chief Stacey Giomi to join him at the podium. Mayor Crowell read into the record the language of the Proclamation, a copy of which was included in the agenda materials, and presented an original to Mr. Smith.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 2

DRAFT

(8:37:53) Mr. Smith thanked the Board of Supervisors for the Proclamation, reviewed statistical information relative to recent fires, and discussed this year's theme, "Reduce the Fuel, Reduce the Risk," relative to the purpose of Wild Fire Awareness Week and scheduled events. He invited everyone to participate in the "kick-off event" scheduled for May 4th at Mills Park.

7(B) PRESENTATION OF A PROCLAMATION FOR NATIONAL PUBLIC WORKS WEEK, MAY 19 - 25, 2013 (8:40:48) - Mayor Crowell introduced this item, and read into the record the language of the Proclamation, a copy of which was included in the agenda materials. He presented the original Proclamation to Deputy Public Works Director / APWA Nevada Chapter President Darren Schulz, who discussed scheduled activities, including educational outreach, and thanked the Board of Supervisors.

7(C) PRESENTATION OF A PROCLAMATION TO RECOGNIZE THE MONTH OF MAY AS HISTORIC PRESERVATION MONTH IN CARSON CITY (8:43:10) - Mayor Crowell introduced this item, invited Historic Resources Commission Chairman Michael Drews to join him at the podium, and read into the record the language of the Proclamation, a copy of which was included in the agenda materials. (8:44:45) Mr. Drews thanked the Board of Supervisors for their recognition of National Historic Preservation Month, and discussed the Annual Scavenger Hunt event. At Mayor Crowell's request, Mr. Drews discussed the application for National Register of Historic Places designation of the City's historic district.

(8:47:26) Planning Division Director Lee Plemel referred to the Annual Scavenger Hunt information which was displayed in the meeting room. He thanked Management Assistant Janice Brod and several of the Historic Resources Commissioners for their participation in coordinating the event.

(8:48:50) In conjunction with displayed slides, HRC Chairman Drews presented an Historic Preservation Award to the Warren Engine Company. At his request, HRC Commissioner Jed Block provided background information on restoration of a circa-1900 chemical fire engine. HRC Chairman Drews read the language of the award into the record.

HRC Chairman Drews presented an Historic Preservation Award to Stephanie Shefrin, and read the language of the same into the record. (8:53:31) Ms. Shefrin's sister, Julie, accepted the award on her behalf.

(8:53:52) HRC Chairman Drews presented an Historic Preservation Award to Laura Fitzsimmons and read the language of the same into the record. Mayor Crowell accepted the award on behalf of Ms. Fitzsimmons, noting that Ms. Fitzsimmons is "very dedicated to historic preservation issues in our community." Supervisor Abowd agreed and acknowledged Contractor Mark Lopiccolo, a former Historic Resources Commissioner, who was present in the meeting room.

(8:55:20) HRC Chairman Drews presented an Historic Preservation Award to former Supervisor Shelly Aldean, and read the language of the same into the record. (8:56:36) Former Supervisor Aldean acknowledged her historic preservation advocacy, and thanked the Historic Resources Commission for the recognition. HRC Chairman Drews presented an Historic Preservation Award to former Principal Planner Jennifer Pruitt, which was accepted by Planning Division Director Lee Plemel. Mayor Crowell returned to the dais.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 3

DRAFT

7(D) INFORMATION ITEM: EMPLOYEE RECOGNITION OF ANNA BELL, JON KEPHART, MARK SIMPSON, MAT BROWER, JEFF McGOODWIN, JEFF BRADSHAW, DAVE WHITAKER, ALAN KOTSULL, TOM GRUNDY, TODD MITCHELL, DAVE EISNER, JOSH COPP, URIAH WISE, DAVID BRUKETTA, AND CURTIS HORTON, FOR THEIR OUTSTANDING PERFORMANCE DURING THE EMERGENCY REPAIRS OF THE WASTEWATER RECLAMATION FACILITY; IN BOTH FEBRUARY AND MARCH OF 2013, THE WASTEWATER RECLAMATION FACILITY SUSTAINED SYSTEM FAILURES THAT REQUIRED IMMEDIATE ATTENTION, HARD WORK, AND LONG HOURS OVER MULTIPLE DAYS TO RESOLVE. BECAUSE OF THE EMPLOYEES' DEDICATION, THE SYSTEMS WERE RESTORED WITHOUT ANY VIOLATIONS OF THE DISCHARGE PERMIT (8:58:56) - Mayor Crowell introduced this item, and Deputy Public Works Director Darren Schulz provided background information. (8:59:33) Utilities Manager David Bruketta reviewed the agenda materials, and acknowledged Anna Bell, John Kephart, Mark Simpson, Mat Brower, Jeff McGoodwin, Jeff Bradshaw, Dave Whitaker, Alan Kotsull, Tom Grundy, Todd Mitchell, Dave Eisner, Josh Copp, Uriah Wise, and Curtis Horton. He introduced a YouTube video depicting the events. In response to a question, he explained details of the failure and repair of "the primary component of our system." Mayor Crowell thanked Mr. Bruketta and the Public Works Department staff.

8. CONSENT AGENDA (9:06:14) - Mayor Crowell introduced this item, and advised that items 8-3(A) and 8-3(B) would be heard separately. He advised that Supervisor Shirk would abstain from action on item 8-6, due to his absence at the time the matter was discussed with the Board's counsel. Mayor Crowell entertained additional requests to hear items separate from the consent agenda. In reference to item 8-3(A), Supervisor Bonkowski disclosed that Bill Miles of Miles Construction is a client; that he has a commitment to Mr. Miles in a private capacity and, pursuant to NRS 281A.420(2), he would not participate, advocate, or vote on item 8-3(A). Also in reference to item 8-3(A), Mayor Crowell advised that his law firm represents Bill Miles in various matters; that his law firm has a substantial and continuing business relationship or commitment to Mr. Miles in a private capacity and that, pursuant to NRS 281A.420(2), he would not participate, advocate, or vote on item 8-3(A). He and Supervisor Bonkowski submitted letters to the Clerk.

Mayor Crowell entertained a motion to approve the consent agenda. **Supervisor McKenna moved to approve the consent agenda, consisting of one item from the Treasurer; one item from Finance; one item from the Airport Authority; two items from Parks and Recreation with Resolution No. 2013-R-19 for item 8-5(A); and one item from Public Works. Supervisor Bonkowski seconded the motion. Motion carried 5-0 for all items, with the exception of item 8-6 which carried 4-0-1, Supervisor Shirk abstaining.** Mayor Crowell passed the gavel to Mayor *Pro Tem* Abowd.

8-1. TREASURER - POSSIBLE ACTION TO APPROVE THE PARTIAL REMOVAL AND REFUND OF TAXES TO THE 2012 - 2013 REAL PROPERTY TAX ROLL, ON PARCELS 3-037-01, 10-531-23, 3-033-10, 3-361-13, 2-672-16, 8-031-06, 10-512-22, 8-093-05, 9-463-07 DUE TO DONATION OF VETERAN'S EXEMPTION TO THE VETERAN'S HOME

8-2. FINANCE DEPARTMENT - POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES, THROUGH APRIL 23, 2013, PURSUANT TO NRS 251.030 AND NRS 354.290

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 4

DRAFT

8-3. PURCHASING AND CONTRACTS

8-3(A) POSSIBLE ACTION TO APPROVE CONTRACT NO. 1213-144A, PURSUANT TO NRS 332.115(1)(b) AND NRS 625.530, WITH MILES CONSTRUCTION, TO PROVIDE CMAR PRE-CONSTRUCTION SERVICES FOR THE MULTI-USE ATHLETIC CENTER (“MAC”), THROUGH MAY 30, 2014, FOR A NOT-TO-EXCEED AMOUNT OF \$25,000.00, TO BE FUNDED FROM THE QUALITY OF LIFE / PARK IMPROVEMENTS / NEW GYMNASIUM ACCOUNT, AS PROVIDED IN FY 2012 / 2013 (9:09:49) - Mayor Pro Tem Abowd introduced this item, and Deputy Public Works Director Darren Schulz reviewed the agenda materials. In response to a series of questions, Mr. Schulz advised that the “funds are currently ... in the bank, ready to be spent. ... that’s why we went ahead and selected this. ... as we were designing it, our estimates were coming in higher than the funds that we had. ... the reason we’re going with the CMAR process is because we have a set amount of money in the bank that we can spend on this project. By combining the architect with the contract, we can come right in on that dollar limit ...” In response to a further question, Mr. Schulz anticipated starting the project in the late fall / early winter. In response to a further question, he advised that “most of the design is still there. ... we have compromised parts of it, but ... that’s our goal to work with the contractor ... This process, as we go forward will be very open. We’ll come back to you and the Parks and Rec Commission as to how this thing is moving along and what we can afford ...”

Mayor Pro Tem Abowd entertained public comment and, when none was forthcoming, a motion. **Supervisor McKenna moved to approve Contract No. 1213-114A, pursuant to NRS 332.115(1)(b) and NRS 625.530, with Miles Construction, to provide CMAR pre-construction services for the multi-use athletic center, through May 30, 2014, for a not-to-exceed amount of \$25,000, to be funded from the Quality of Life / Parks Improvements / New Gymnasium Account, as provided in FY 2012 / 2013. Mayor Pro Tem Abowd seconded the motion. Motion carried 3-0-2, Mayor Crowell and Supervisor Bonkowski abstaining.** (9:20:18) Mr. Rombardo explained that, pursuant to NRS 281A, the necessary quorum decreased from the standard five, for the Board of Supervisors, to 3.

8-3(B) POSSIBLE ACTION TO APPROVE CONTRACT NO. 1213-170, PURSUANT TO NRS 332.115(1)(b) AND NRS 625.530, WITH BHC CONSULTANTS, LLC, TO PROVIDE PROFESSIONAL SERVICES FOR 2013 ON-CALL ENVIRONMENTAL PERMITTING ASSISTANCE, THROUGH JUNE 30, 2014, FOR A NOT-TO-EXCEED AMOUNT OF \$193,237.00, TO BE FUNDED FROM VARIOUS WATER, WASTEWATER, STORMWATER, AND LANDFILL FUND ACCOUNTS, AS PROVIDED IN FY 2012 / 2013 AND FY 2013 / 2014 (9:13:56) - Mayor Pro Tem Abowd introduced this item, and Public Works Department Director Andy Burnham reviewed the agenda materials. In response to a question, he explained that portion of the permitting process which staff will be trained to take over in order to reduce costs over time. He anticipates reducing the cost by “half or more” over a five-year period. Mr. Werner cautioned that, in the next five years, the permitting process parameters may change, thus necessitating continued use of the consultant services. Mr. Burnham provided additional clarification.

Mayor Pro Tem Abowd entertained public comment and, when none was forthcoming, a motion. Supervisor McKenna commented that “industry has found it’s generally better to hire knowledge than to create it.” **Supervisor McKenna moved to approve Contract No. 1213-170, pursuant to NRS 332.115(1)(b) and NRS 625.530, with BHC Consultants, LLC, to provide professional services for 2013 On-Call Environmental Permitting Assistance, through June 30, 2014, for a not-to-exceed amount of \$193,237.00, to be funded from various water, wastewater, stormwater, and landfill fund**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 5

DRAFT

accounts, as provided in FY 2012 / 2013 and 2013 / 2014. Mayor Crowell seconded the motion. Motion carried 5-0. Mayor *Pro Tem* Abowd returned the gavel to Mayor Crowell.

8-4. CARSON CITY AIRPORT AUTHORITY - POSSIBLE ACTION TO APPROVE THE TENTH ADDENDUM FOR THE LEASE BETWEEN EL AERO SERVICES AND THE CARSON CITY AIRPORT AUTHORITY CLARIFYING THE TIE-DOWN PORTION OF THE LEASE ORIGINALLY TITLED "MOBILL ENTERPRISES," RECORDED DECEMBER 23, 1981, BOOK 313, PAGE 172

8-5. PARKS AND RECREATION DEPARTMENT

8-5(A) POSSIBLE ACTION TO ADOPT A RESOLUTION FOR THE NAMING OF OPEN SPACE PROPERTIES WITHIN CARSON CITY

8-5(B) POSSIBLE ACTION TO APPROVE THE OPEN SPACE ADVISORY COMMITTEE'S BYLAWS

8-6. PUBLIC WORKS DEPARTMENT - POSSIBLE ACTION TO APPROVE "CONTINGENT SETTLEMENT AGREEMENT," WHICH WOULD DISPOSE OF THE LAWSUIT IN *PEEK CONSTRUCTION COMPANY V. CITY AND COUNTY OF CARSON CITY*, CASE NO. 11-OC-00325-1B (the "LITIGATION"), PENDING IN NEVADA'S FIRST JUDICIAL DISTRICT COURT, IN AND FOR CARSON CITY (9:21:03) - Mr. Rombardo expressed the understanding that Supervisor Shirk abstained from voting on this item. Supervisor Shirk acknowledged the accuracy of the statement.

9. RECESS BOARD OF SUPERVISORS (9:21:48) - Mayor Crowell recessed the Board of Supervisors at 9:21 a.m.

LIQUOR AND ENTERTAINMENT BOARD

10. CALL TO ORDER AND ROLL CALL (9:21:54) - Chairperson Crowell called the Liquor and Entertainment Board to order, noting the presence of a quorum, including Sheriff Ken Furlong.

11. PUBLIC WORKS DEPARTMENT, BUSINESS LICENSE DIVISION - POSSIBLE ACTION TO APPROVE MARK LOPICCOLO AS THE LIQUOR MANAGER FOR BELLA FIORE WINES, LIQUOR LICENSE NO. 13-29667, LOCATED AT 224 SOUTH CARSON STREET, CARSON CITY (9:22:11) - Chairperson Crowell introduced this item. Member Bonkowski disclosed that he has a substantial and continuing business relationship with Mark and Jenny Lopiccolo and that, pursuant to NRS 281A.420(2), he would not participate, advocate, or vote on the subject liquor license application. Member Abowd disclosed that she has worked with Mr. Lopiccolo in the past; that this would not affect her judgment of this matter, and that she intended to participate in discussion and action. Mr. Rombardo advised that the letter provided to the Clerk by Supervisor Bonkowski applies to this item as well as another item, and that the quorum would be reduced accordingly.

Senior Business License Technician Lena Tripp read the title of the agenda item into the record, reviewed the agenda materials, and advised of staff's recommendation of approval. Chairperson Crowell entertained public and board member comments. When no comments were forthcoming, he entertained a motion.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 6

DRAFT

Member Abowd moved to approve Mark Lopiccolo as the liquor manager for Bella Fiore Wines, liquor license number 13-29667, located at 224 South Carson Street, Carson City. Member McKenna seconded the motion. Motion carried 5-0-1, Member Bonkowski abstaining. Chairperson Crowell and Member McKenna thanked Mr. Lopiccolo for assisting with “a difficult situation.”

12. PUBLIC COMMENT (9:25:05) - Chairperson Crowell entertained public comment; however, none was forthcoming.

13. ACTION TO ADJOURN LIQUOR AND ENTERTAINMENT BOARD (9:25:10) - Chairperson Crowell adjourned the Liquor and Entertainment Board at 9:25 a.m.

14. RECONVENE BOARD OF SUPERVISORS (9:25:13) - Mayor Crowell reconvened the Board of Supervisors at 9:25 a.m.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

15. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (9:09:38) - Please see the minutes for items 8-3(A) and 8-3(B).

16. CITY MANAGER - PRESENTATION ONLY OF THE PROGRESS, ACHIEVEMENTS, AND PLANS OF THE NORTHERN NEVADA DEVELOPMENT AUTHORITY (“NNDA”) (9:25:21) - Mayor Crowell introduced this item, and welcomed NNDA Deputy Director Maurice Washington to the podium. Mr. Washington provided an update on the recent activities of the NNDA. In response to a question, he discussed the California Campaign, for which approximately \$25,000 has been allocated from the Governor’s Office on Economic Development. He responded to additional questions of clarification, and discussion ensued.

Supervisor Shirk inquired as to the number of businesses which are “relocating specifically to Carson City ...” Mr. Washington advised that a more specific detailed report is provided at each quarterly city / county manager’s meeting. He further advised that “out of the ... four counties and the Carson City district that we represent, ... between Carson City and Douglas [County], we probably locate anywhere between 60 to 70 percent of the business in these two areas.” Mr. Werner further clarified that the county managers meet quarterly at NNDA to “go through the numbers.” He discussed the importance of working together regionally “to make sure that NNDA understands what each area has to offer because the feeling is, if we can improve the region, we improve our economy. ... we can’t just throw walls up around Carson City because that’s kind of the way it used to be and then there were battles between counties and it just wasn’t good for anybody.” Mr. Washington offered to provide the information to Mr. Werner for dispersal to the Board members.

In response to a question, Mr. Washington advised that NNDA works closely with WNC. “The community college is very important ... in our ongoing efforts for work force development. And so, therefore, we’ve engaged the community college to make sure that, as they go through this legislative process, ... they’re held harmless; that they don’t lose the funding that they have based on the current funding that has come from the Board of Regents ...” Mr. Washington further advised that the NNDA works closely with the State Department of Education, specifically relative to the Career Technical Education Program. In response to a further question, Mr. Washington advised that most companies which relocate to the Carson

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 7

DRAFT

City area “may just bring some of their upper management ... for technical support or to make transitions. But, for the most part, those companies that expand or relocate in our area actually hire from the surrounding area.” In response to a further question, he discussed the NNDA’s “export program, ... using the same concept that if we can increase sales ..., you have the opportunity to expand their operations. One way to increase sales is exports, and exports is kind of a tricky game because you’ve got to go through the regulatory hoops and all the customs and the whole nine yards so we’ve been working very closely with the U.S. Department of Commerce ...”

Mr. Werner thanked Mr. Washington and the NNDA for the recent displays at the Reno-Tahoe International Airport, and discussed their benefit. Mayor Crowell entertained public comment; however, none was forthcoming. Mayor Crowell echoed Mr. Werner’s earlier comments regarding the benefit of a regional approach to economic development. He commended the NNDA for working to help keep WNC’s funding intact, and thanked Mr. Washington for his presentation.

17. FIRE DEPARTMENT - POSSIBLE ACTION TO ADOPT A RESOLUTION TO ENTER INTO AN INTERLOCAL CONTRACT, BETWEEN THE STATE OF NEVADA, ACTING BY AND THROUGH ITS DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, NEVADA DIVISION OF FORESTRY, AND THE CONSOLIDATED MUNICIPALITY OF CARSON CITY, FOR THE PURPOSE OF ADMINISTERING A WILDLAND FIRE PROTECTION PROGRAM FOR WILDLAND FIRES AND OTHER EMERGENCIES (9:51:30) -

Mayor Crowell introduced this item, and Fire Chief Stacey Giomi introduced Nevada Division of Forestry representatives Scott Rasmusson and Dave Prather. Chief Giomi provided background information on this item, reviewed the agenda materials, and responded to questions of clarification. Supervisor Abowd commended the interlocal agreement in consideration of the resources made available to the City. Chief Giomi reviewed the funding sources, as outlined in the agenda report. In response to a question, he advised that annual fire suppression costs are dependent upon the number and severity of wild land fires. Supervisor McKenna commended the prudence of the interlocal agreement in consideration of open space, the federal lands bill, and the regional aspect.

Mayor Crowell entertained public comment and, when none was forthcoming, additional Board member comments or questions. When no comments or questions were forthcoming, he entertained a motion. **Supervisor Abowd moved to adopt Resolution No. 2013-R-20, to enter into an interlocal contract, between the State of Nevada, acting by and through its Department of Conservation and Natural Resources, Nevada Division of Forestry, and the Consolidated Municipality of Carson City, for the purpose of administering a wild land fire protection program for wild land fires and other emergencies. Supervisor Bonkowski seconded the motion. Motion carried 5-0.**

18. FINANCE DEPARTMENT

18(A) POSSIBLE ACTION TO ADOPT BILL NO. 107, ON SECOND READING, AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF ITS “CARSON CITY, NEVADA GENERAL OBLIGATION (LIMITED TAX) CAPITAL IMPROVEMENT REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2013A,” FOR THE PURPOSE OF FINANCING THE COST OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE CITY; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS, AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; AND PROVIDING OTHER MATTERS RELATING THERETO (9:59:30) - Mayor Crowell introduced this

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 8

DRAFT

item and, in response to a question, Finance Department Director Nick Providenti advised of no changes to the bill since introduction on first reading. He anticipates hearing the results of the rating agency presentation by Friday, May 3rd. He responded to questions of clarification, and welcomed the students. In response to a comment, he offered additional clarification of the purpose of the bonds, and advised of the anticipation to save approximately \$4 million over the life of the bonds. In response to a question, he reviewed the projects to which the funding was allocated.

Mayor Crowell entertained a motion. **Supervisor McKenna moved to adopt Bill No. 107, on second reading, Ordinance No. 2013-12, an ordinance authorizing the issuance by the City of its “Carson City, Nevada General Obligation (Limited Tax) Capital Improvement Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2013A,” for the purpose of financing the cost of refunding certain outstanding bonds of the City, ratifying action previously taken towards issuing the proposed bonds and effecting the purpose for their issuance, and providing other matters relating thereto. Supervisor Abowd seconded the motion. Motion carried 5-0.**

18(B) POSSIBLE ACTION TO ADOPT BILL NO. 108, ON SECOND READING, AN ORDINANCE DESIGNATED BY THE SHORT TITLE, “2013B V&T REFUNDING BOND ORDINANCE,”; AUTHORIZING THE ISSUANCE BY THE CITY OF ITS NEGOTIABLE “CARSON CITY, NEVADA GENERAL OBLIGATION (LIMITED TAX) V&T RECREATION REFUNDING BONDS (ADDITIONALLY SECURED BY GROSS PLEDGED REVENUES), SERIES 2013B,” FOR THE PURPOSE OF FINANCING THE COSTS OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE CITY; PROVIDING THE FORM, TERMS, AND CONDITIONS OF THE BONDS, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT THEREOF; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE OPERATION OF CERTAIN RECREATIONAL FACILITIES, AND BY A PLEDGE OF CERTAIN LICENSE TAXES AND ROOM TAXES FIXED AND IMPOSED BY CARSON CITY; PROVIDING OTHER COVENANTS, AGREEMENTS, AND DETAILS AND MAKING OTHER PROVISIONS CONCERNING THE BONDS, SUCH FACILITIES, THE GENERAL TAX PROCEEDS AND THE REVENUES PLEDGED FOR THE PAYMENT OF SUCH BONDS; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF (10:04:55) - Mayor Crowell introduced this item, and Mr. Providenti advised of no changes since introduction on first reading. Mayor Crowell entertained public comment and, when none was forthcoming, Board comments or questions. In response to a question, Mr. Providenti advised that the Convention and Visitors Bureau has an annual financial statement audit. In response to a further question, he advised that the audit would be considered a public document.

Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to adopt Bill No. 108, on second reading, Ordinance No. 2013-13, an ordinance designated by the short title, “2013B V&T Refunding Bond Ordinance,” authorizing the issuance, by the City, of its negotiable “Carson City, Nevada General Obligation (Limited Tax) V&T Recreation Refunding Bonds (Additionally Secured by Gross Pledged Revenues), Series 2013B, for the purpose of financing the costs of refunding certain outstanding bonds of the City; providing the form, terms, and conditions of the bonds, and other details in connection therewith; providing for the levy and collection of annual general ad valorem**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 9

DRAFT

taxes for the payment thereof; additionally securing their payment by a pledge of revenues derived from the operation of certain recreational facilities and by a pledge of certain license taxes and room taxes fixed and imposed by Carson City; providing other covenants, agreements, and details, and making other provisions concerning the bonds, such facilities, the general tax proceeds, and the revenues pledged for the payment of such bonds; ratifying action previously taken toward issuing the proposed bonds; providing other matters relating thereto; and providing the effective date hereof. Supervisor Abowd seconded the motion. Motion carried 5-0.

18(C) POSSIBLE ACTION TO ADOPT BILL NO. 109, ON SECOND READING, AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF ITS “CARSON CITY, NEVADA GENERAL OBLIGATION (LIMITED TAX) PARK REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2013C,” FOR THE PURPOSE OF REFINANCING CERTAIN OUTSTANDING BONDS PREVIOUSLY ISSUED FOR PARKS, TRAILS, AND RECREATIONAL FACILITIES; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS, AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; AND PROVIDING OTHER MATTERS RELATING THERETO (10:07:36) - Mayor Crowell introduced this item. In response to a question, Mr. Providenti advised of no additional comments or information to provide. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to adopt, on second reading, Ordinance No. 2013-14, an ordinance authorizing the issuance, by the City, of its “Carson City, Nevada General Obligation (Limited Tax) Park Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2013C,” for the purpose of refinancing certain outstanding bonds previously issued for parks, trails, and recreational facilities; ratifying action previously taken toward issuing the proposed bonds and effecting the purpose of their issuance; and providing other matters relating thereto. Supervisor Abowd seconded the motion. Motion carried 5-0.** Discussion took place to correct the Ordinance numbers for items 18(B) and (C), which had been misstated. Mayor Crowell recessed the meeting at 10:10 a.m. and reconvened at 10:26 a.m.

19. HEALTH AND HUMAN SERVICES DEPARTMENT - POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 7, ANIMALS, CHAPTER 7.13, LICENSING AND REGULATIONS, BY AMENDING THE CHAPTER TO CHANGE THE NAME FROM ANIMAL CONTROL CENTER TO ANIMAL SERVICES, AND FROM ANIMAL DIRECTOR TO ANIMAL SERVICES MANAGER, AND BY UPDATING THE CHAPTER REGARDING THE ANIMAL SERVICES DEPARTMENT’S AND OFFICER’S DUTIES, AND TO REVISE AND ELIMINATE CERTAIN PROVISIONS, AND BY AMENDING SECTION 7.13.010, DEFINITIONS, TO ALPHABETIZE AND AMEND AND ADD NEW DEFINITIONS, AND BY UPDATING SECTION 7.13.020, CARSON CITY ANIMAL CONTROL USE, TO UPDATE THE POWERS OF ANIMAL SERVICES AND RELOCATING SOME EXISTING PROVISIONS, AND BY AMENDING SECTION 7.13.030, ANIMAL SERVICES DIRECTOR - ANIMAL SERVICES OFFICERS - POWERS AND DUTIES, TO CHANGE THE SECTION NAME AND DUTIES OF THE ANIMAL SERVICES OFFICERS / SHERIFF / AUTHORITY REGARDING ANIMAL CALLS, AND BY AMENDING SECTION 7.13.040, CARSON CITY SHERIFF AND DEPUTIES, TO CHANGE THE SECTION NAME AND TO PROVIDE FOR A COLLECTIONS, DISBURSEMENT, AND FEE SCHEDULE, AND BY AMENDING SECTION 7.13.050, COLLECTIONS AND DISBURSEMENTS, TO CHANGE THE SECTION NAME AND DUTIES, AND BY AMENDING

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 10

DRAFT

SECTION 7.13.060, USE OF TRANQUILIZER GUN, OTHER DEVICES, IN CONTROLLING ANIMALS, TO CHANGE THE SECTION NAME AND DUTIES, AND BY AMENDING SECTION 7.13.070, SEARCH AND SEIZURES, TO CHANGE THE NAME AND DUTIES REGARDING THE IMPOUNDING AND RECLAIMING OF ANIMALS, AND BY AMENDING SECTION 7.13.080, RESISTING OR OBSTRUCTING ANIMAL SERVICES OFFICERS, HEALTH OFFICER, OR SHERIFF OR DEPUTIES, UNLAWFUL, TO CHANGE THE SECTION NAME AND RESPONSIBILITY OF OWNER, AND BY AMENDING SECTION 7.13.090, RABIES VACCINATION OF DOGS, CATS, AND FERRETS REQUIRED - REVACCINATION REQUIRED - EXCEPTIONS, TO CHANGE THE NAME AND AMEND SECTION 7.13.100, ANIMAL SERVICE TAGS, PERMITS, AND FEES, TO RENAME IT AS DANGEROUS / VICIOUS, AND BY AMENDING SECTION 7.13.110, RESTRAINING ANIMALS - SANITATION, TO CHANGE THE SECTION NAME TO PROHIBITED ACTIVITIES, AND TO INCLUDE THE PROVISIONS PREVIOUSLY INCLUDED IN 7.13.210, AND BY AMENDING SECTION 7.13.120, DOGS RUNNING AT LARGE - IMPOUNDS, TO CHANGE THE CHAPTER NAME AND DUTIES AND INCLUDE THE PROVISIONS PREVIOUSLY CONTAINED IN 7.13.520 THROUGH 7.13.540 AND 7.13.570, AND TO INCLUDE THE CRIMINAL OFFENSE FOR ANY PERSON WHO REFUSES TO RELINQUISH ANY DOMESTIC ANIMAL TO ANIMAL SERVICES AFTER FINDING SUCH ANIMAL, AND BY AMENDING SECTION 7.13.130, RESERVED, TO CHANGE THE SECTION NAME AND INCLUDE THE PENALTY PROVISIONS PREVIOUSLY IN 7.13.610, AND EXPAND THE ALLOWABLE FINE AMOUNT FROM \$500.00 TO \$1,000.00 PER OFFENSE AND ADD THE PROVISION THAT A CRIMINAL PENALTY MUST BE IMPOSED FOR ANY OFFENSE WHICH PERTAINS TO THE BITES OF ANIMALS, VICIOUS OR DANGEROUS DOGS, OR CRUELTY TO ANIMALS AND PERMIT A JUDGE, IN ADDITION TO OTHER PENALTIES, TO HAVE THE DISCRETION TO ORDER THE DOG HUMANELY DESTROYED, AND BY AMENDING SECTION 7.13.140, CONDITIONS FOR RELEASE OF IMPOUNDING DOG, TO DELETE THE SECTION TITLE AND TO INCLUDE THE PROVISION PREVIOUSLY CONTAINED IN 7.13.620, AND BY DELETING SECTIONS 7.13.145 THROUGH 7.13.620, AND OTHER MATTERS PROPERLY RELATED THERETO (10:26:17) - Mayor Crowell introduced this item. Health and Human Services Department Director Marena Works provided background information and reviewed the agenda materials. She reviewed a proposed revision to Section 7.13.080(2), and responded to corresponding questions of clarification. In response to a question, Mr. Rombardo advised that CC&Rs “are their own private contract amongst the owners of that area. ... Code Enforcement is only the CCMC and so the City doesn’t enforce CC&Rs.” In response to a question, Animal Services Manager Gail Radtke reviewed the policy relative to the permit required for “more than the allowed amount of animals.” She responded to questions of clarification. Supervisor Abowd suggested including a definition for “humanely destroyed,” and Ms. Works advised that it would be added for second reading. Ms. Works further clarified the proposed revisions relative to the allowed number of animals.

Supervisor Bonkowski reviewed necessary clerical corrections. In response to a question, Mayor Crowell advised that a neighborhood’s CC&Rs could make the provisions of a statute or ordinance more restrictive, but the statute or ordinance would take precedence. He reiterated that the City does not enforce CC&Rs. Mr. Rombardo acknowledged the accuracy of the statement. Discussion took place regarding various provisions of the proposed ordinance, and Ms. Works agreed to add a definition of “under owner control.” Additional discussion took place to clarify the language of various sections of the proposed ordinance.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 11

DRAFT

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to introduce, on first reading, Bill No. 110, with the changes as amended for the record, an ordinance amending the Carson City Municipal Code, Title 7, Animals, Chapter 7.13, Licensing and Regulations, by amending the chapter to change the name from Animal Control Center to Animal Services, and from Animal Director to Animal Services Manager, and by updating the chapter regarding the Animal Services Department's and Officer's duties, and to revise and eliminate certain provisions, and by amending Section 7.13.010, Definitions, to alphabetize and amend and add new definitions, and by updating Section 7.13.020, Carson City Animal Control Use, to update the powers of Animal Services and relocating some existing provisions, and by amending Section 7.13.030, Animal Services Director - Animal Services Officers - Powers and Duties, to change the section name and duties of the Animal Services Officers / Sheriff / Authority regarding animal calls, and by amending Section 7.13.040, Carson City Sheriff and Deputies, to change the section name and to provide for a collections, disbursement, and fee schedule, and by amending Section 7.13.050, Collections and Disbursements, to change the section name and duties, and by amending Section 7.13.060, Use of Tranquilizer Gun, Other Devices, in Controlling Animals, to change the section name and duties, and by amending Section 7.13.070, Search and Seizures, to change the name and duties regarding the impounding and reclaiming of animals, and by amending Section 7.13.080, Resisting or Obstructing Animal Services Officers, Health Officer, or Sheriff or Deputies, Unlawful, to change the section name and responsibility of owner, and by amending Section 7.13.090, Rabies Vaccination of Dogs, Cats, and Ferrets Required - Revaccination Required - Exceptions, to change the name and amend Section 7.13.100, Animal Service Tags, Permits, and Fees, to rename it as dangerous / vicious, and by amending Section 7.13.110, Restraining Animals - Sanitation, to change the section name to prohibited activities, and to include the provisions previously included in Section 7.13.210, and by amending Section 7.13.120, Dogs Running at Large - Impounds, to change the chapter name and duties and include the provisions previously contained in Section 7.13.520 through 7.13.540 and 7.13.570, and to include the criminal offense for any person who refuses to relinquish any domestic animal to animal services after finding such animal, and by amending Section 7.13.130, Reserved, to change the section name and include the penalty provisions previously in Section 7.13.610, and expand the allowable fine amount from \$500.00 to \$1,000.00 per offense, and add the provision that a criminal penalty must be imposed for any offense which pertains to the bites of animals, vicious or dangerous dogs, or cruelty to animals, and permit a judge, in addition to other penalties, to have the discretion to order the dog humanely destroyed, and by amending Section 7.13.140, Conditions for Release of Impounding Dog, to delete the section title and to include the provision previously contained in Section 7.13.620, and by deleting Section 7.13.145 through 7.13.620, and other matters properly related thereto. Supervisor McKenna seconded the motion. Motion carried 5-0. Mayor Crowell thanked the staff for their efforts in developing the ordinance.**

20. PUBLIC WORKS DEPARTMENT, PLANNING DIVISION

20(A) POSSIBLE ACTION TO PROVIDE DIRECTION TO STAFF REGARDING POSSIBLE AMENDMENTS TO TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, AND CHAPTER 18.04, USE DISTRICTS, REGARDING THE NUMBER OF DOGS THAT CONSTITUTE A "KENNEL" FOR THE PURPOSE OF ZONING REGULATIONS (10:59:39) - Mayor Crowell introduced this item, and Planning Division Director Lee Plemel reviewed the agenda materials. Supervisor Bonkowski reviewed necessary clerical corrections. Discussion took place regarding the provisions of the proposed ordinance. Mayor Crowell entertained a motion. Supervisor McKenna moved to direct staff to proceed with amendments to Title 18 regarding the number of dogs that

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 12

DRAFT

constitute a kennel for the purposes of zoning regulations, consistent with amendments to Title 7. Supervisor Bonkowski 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.**

20(B) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT, BETWEEN CARSON CITY AND COMBS CANYON, LLC, REGARDING THE DEVELOPMENT OF A SUBDIVISION KNOWN AS “COMBS CANYON II,” LOCATED ON APPROXIMATELY 25 ACRES ON THE EAST SIDE OF COMBS CANYON ROAD, NORTH OF TIMBERLINE DRIVE, APN 009-193-01, TO EXTEND THE APPROVAL OF THE TENTATIVE MAP, AND OTHER MATTERS PROPERLY RELATED THERETO (11:15:22) - Mayor Crowell introduced this item. Supervisor Bonkowski disclosed that he is the real estate broker for the subject project; that he has the potential to derive personal income from the sale of real estate within the subject project; and that he has an ongoing commitment, in a private capacity, to the developer. Supervisor Bonkowski advised that, pursuant to NRS 281A.420(2), he would not participate, advocate, or vote on the subject development agreement, and that he would leave the meeting room during its consideration by the Board. Mr. Rombardo advised that the quorum would be reduced to four, and Supervisor Bonkowski left the meeting room.

Planning Division Director Lee Plemel reviewed the agenda materials. In reference to past discussions, he expressed the belief that the subject tentative map will “be the last one that’s a valid tentative map that gets extension and ... has a development agreement.” Supervisor McKenna expressed concern over “get[ting] sandbagged by having developments that were created years ago with a different economy, a different Carson City ... now coming forward, ‘We’ve got this; we can do what we want,’ and that’s why I wanted to put a restriction on how much we’re going to extend these things.” In response to a question, Mr. Werner expressed no concern over a risk in the subject case. He anticipated a concern “if we saw, on the horizon, major changes in our public works standards ...” Mr. Plemel noted that the subject project meets all the zoning requirements “as opposed to some of the others that are planned unit developments where higher densities have come along, as part of the request, and smaller lot sizes than the current zoning. ... This one strictly follows the book. They’re all one-acre lots. They meet the current zoning so, when they come in with the required improvements, they would have to record the lots; they meet all standards.” Mr. Plemel acknowledged that the lots will have to connect to the City’s water / wastewater system. Supervisor McKenna expressed an additional concern relative to treating every project the same.

In response to a question, Mr. Plemel advised that an ordinance could be adopted to impose a fee for such extensions. A brief discussion followed. Supervisor Shirk expressed opposition to extending the tentative map for a period of four years. Supervisor Abowd surmised that the requested length of time is relative to the number of vacant lots. “This is just a realistic assessment. Plus, there’s quite a bit of work, in terms of infrastructure, ... that has to go on in that area in order to make those lots buildable.” Supervisor Abowd expressed support for the requested extension in consideration of the anticipated property tax revenues.

Mayor Crowell entertained public comment and, when none was forthcoming, additional Board member questions or comments. When no additional questions or comments were forthcoming, Mayor Crowell entertained a motion. **Supervisor Abowd moved to introduce, on first reading, Bill No. 111, an ordinance approving a development agreement, between Carson City and Combs Canyon, LLC, regarding the development of a subdivision, known as Combs Canyon II, located on approximately 25 acres on the east side of Combs Canyon Road, north of Timberline Drive, APN 009-193-01, to**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 13

DRAFT

extend the approval of the tentative map, and other matters properly related thereto. Supervisor McKenna seconded the motion. In response to a question, Mr. Rombardo advised that three votes would be necessary to carry the motion. Supervisor Shirk advised he would not vote in favor of the motion “only because of the four years.” Following a brief discussion, Mayor Crowell called for a vote on the pending motion. **Motion carried 3-1-1.** Supervisor Bonkowski returned to the meeting room and to the dais.

21. PUBLIC WORKS DEPARTMENT, LANDFILL

21(A) POSSIBLE ACTION TO FIND THAT THE PROPOSED ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.12, SOLID WASTE MANAGEMENT, SECTION 12.12.047, LANDFILL RATES AND FEES; BY MODIFYING RATE CLASSES, ANNUALLY ADJUSTING IN-COUNTY FEES (1,000 LBS OR GREATER) FOR MSW COMPACTED CATEGORY, AND OTHER MATTERS PROPERLY RELATED THERETO, DOES IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT THE FORMATION, OPERATION, OR EXPANSION OF A BUSINESS, AND THAT A BUSINESS IMPACT STATEMENT HAS BEEN PREPARED, ACCEPTED, AND IS ON FILE WITH THE BOARD OF SUPERVISORS, AND THAT THE REQUIREMENTS OF THE ACT HAVE BEEN MET (11:29:07) - Mayor Crowell introduced this item, and opened the public hearing. Public Works Department Director Andy Burnham reviewed the agenda materials. He advised of having provided information to the Carson City Chamber of Commerce and to Capital Sanitation, and of having received no feedback.

Mayor Crowell entertained public comment. (11:30:50) Builders Association of Western Nevada Executive Officer Sheena Shrum requested information on the proposed modifications. Utilities Manager David Bruketta provided background information on the proposed ordinance. He, Mr. Werner, and Mr. Burnham responded to questions of clarification.

Mayor Crowell entertained additional public comment and, when none was forthcoming, closed the public hearing and entertained a motion. **Supervisor McKenna moved to find that the proposed ordinance amending the Carson City Municipal Code, Title 12, Water, Sewerage, and Drainage, Chapter 12.12, Solid Waste Management, Section 12.12.047, Landfill Rates and Fees; by modifying rate classes, annually adjusting in-county fees (1,000 lbs or greater) for municipal solid waste compacted category, and other matters properly related thereto, does impose a direct and significant economic burden on a business or directly restricts the formation, operation, or expansion of a business, and that a business impact statement has been prepared, accepted, and is on file with the Board of Supervisors, and that the requirements of the act have been met. Supervisor Abowd seconded the motion. Motion carried 5-0.**

21(B) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.12, SOLID WASTE MANAGEMENT, SECTION 12.12.047, LANDFILL RATES AND FEES; BY MODIFYING RATE CLASSES, ANNUALLY ADJUSTING IN-COUNTY FEES (1,000 LBS OR GREATER) FOR MSW COMPACTED CATEGORY, AND OTHER MATTERS PROPERLY RELATED THERETO (11:36:35) - Mayor Crowell introduced this item, and Utilities Manager David Bruketta reviewed the agenda materials. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor McKenna moved to introduce, on first reading, Bill No. 112, an ordinance amending the Carson City Municipal Code, Title 12,**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 14

DRAFT

Water, Sewerage, and Drainage, Chapter 12.12, Solid Waste Management, Section 12.12.047, Landfill Rates and Fees, by modifying rate classes, annually adjusting in-county fees (1,000 pounds or greater) for MSW, municipal solid waste compacted category, and other matters properly related thereto. Supervisor Bonkowski seconded the motion. Motion carried 5-0. Mayor Crowell thanked Mr. Bruketta.

22. BOARD OF SUPERVISORS NON-ACTION ITEMS:

LEGISLATIVE MATTERS (11:39:05; 11:40:39) - Discussion took place regarding the process for providing the Board members the status of pending legislation.

STATUS REVIEW OF PROJECTS

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (11:39:27) - In reference to records retention statutes, Mr. Werner discussed the requirement to retain copies of the Board members' official correspondence. He requested the Board members to provide copies, to the City Manager, of any correspondence which is sent on City letterhead. (11:46:30) Mr. Rombardo advised of the need for an attorney / client privileged discussion between the Board members and Treasurer Al Kramer.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (11:40:00) - Supervisor Abovd advised that the Convention and Visitors Bureau Selection Committee has narrowed the list of executive director candidates to four. Interviews will be conducted on May 13th. (11:45:06) Mayor Crowell announced a fundraiser auction to benefit the Capital City Circles Initiative scheduled for Saturday, May 11th. He announced a ceremony to honor law enforcement officials scheduled for 12:00 p.m. at the Peace Officers Memorial on the Legislative Mall.

STAFF COMMENTS AND STATUS REPORT

RECESS AND RECONVENE BOARD OF SUPERVISORS (11:47:05; 2:02:07) - Mayor Crowell recessed the meeting at 11:47 a.m., and reconvened at 2:02 p.m. He introduced Carson High School Incoming Student Body President Sam Bruketta and Student Body Vice President Mallory Wilson, who were present at the dais.

23. CITY MANAGER

23(A) POSSIBLE ACTION TO APPROVE AN AMENDED AND RESTATED GOLF COURSE LEASE AGREEMENT FOR THE CARSON CITY MUNICIPAL GOLF CORPORATION FOR THE OPERATION AND MAINTENANCE OF THE TWO GOLF COURSES, KNOWN AS EAGLE VALLEY EAST AND EAGLE VALLEY WEST, CHANGING THE LEASE PAYMENT FROM AN ANNUAL PAYMENT OF \$120,000 TO A MONTHLY PAYMENT OF 6 PERCENT OF GROSS REVENUES, AND MAKING OTHER MODIFICATIONS THERETO (2:02:36) - Mayor Crowell introduced this item, and provided direction with regard to public comment. Mr. Werner provided background information, and reviewed the agenda materials. Extensive

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 15

DRAFT

discussion took place, between the Board members, Mr. Werner, Mr. Rombardo, Mr. Providenti, and Attorney Joan Wright, representing the Carson City Municipal Golf Corporation, regarding various provisions of the proposed amended and restated lease agreement.

Mayor Crowell entertained public comment. (4:11:26) Joe Scott discussed the importance of running a golf course as a business. He suggested that “how a golf course is run and how they’re treated; that’s where the fellas go play.” He commended General Manager Jim Kepler on his operation of the golf course, and discussed the importance of maintaining a municipal course in the community.

(4:14:24) Wil Keating advised that he and his family have been using the Eagle Valley Golf Course and Centennial Park facilities since having moving to Carson City in 1974. He commended Eagle Valley West as “one of the finest golf courses in the region,” and described “the whole property as an anchor to this town.” He urged the Board to continue the Eagle Valley Golf Course operation, and commended the present management.

(4:15:27) Don MacKenzie advised of having been a Carson City resident since 1971, and listed the various parks and recreation facilities throughout the community. He commended the Eagle Valley Golf Course and expressed the opinion that “we should [not] hold that course to a restriction of being competitive with the private courses that build their courses to build subdivisions so they could sell their houses at higher prices. They took the risk. Let’s provide the same recreational facilities to our golfers as we do to the doggie runners in the dog parks.” He expressed opposition to “cater[ing] to the other courses. They should compete with us.”

(4:17:09) Attorney Norman Azevedo, representing Silver Oak Development Company, expressed understanding for the concerns over effluent water. He discussed concern over the existing Eagle Valley Golf Course lease relative to the “lack of competitive bid process.” He advised of having been made aware of the proposed amended and restated lease agreement approximately six days ago. In consideration of the proposed amended and restated lease agreement and the “business of golf,” Mr. Azevedo advised that Silver Oak Development Company would like to bid on operations at Eagle Valley Golf Course. “They were denied that opportunity because there was no competitive bid process; no request for proposal.” Mr. Azevedo advised of having been authorized “to bring this to the City’s attention.” He further advised that Silver Oak Development Company representatives have read the proposed amended and restated lease agreement and agree to the terms and conditions, including the proposed changes discussed during this meeting. He reviewed details of the offer for Silver Oak Development Company to assume the Eagle Valley Golf Course lease.

(4:22:11) Douglas Sever advised of having attended the Audit Committee meeting at which the Moss-Adams, LLC findings on the Eagle Valley Golf Course audit were presented. He provided background information on construction of the golf course with EPA grant funding, and discussed its “... purpose to provide recreational activity for citizens of Carson City ...” He expressed opposition to comparing the municipal course with private facilities. “We all know that those private facilities built their facilities for a profit. They didn’t build them for me. You did. You built it for me. They didn’t. They built it to sell homes.” Mr. Sever expressed a preference “to see [his] public facility, as a taxpayer, being protected.” He requested the Board to approve the proposed lease agreement.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 16

DRAFT

(4:24:37) Marge Koeneschne advised of having lived in Carson City for ten years and that she belongs to “two women’s groups [at] Eagle Valley and Empire.” She discussed her love of golf, and advised that she “go[es] where they offer [her] good service.” She expressed support for good competition “to offer [her], the citizen, some choices.”

(4:25:28) Gary Esternchip advised that he golfs in Carson City and lives in the Dayton Valley. In reference to the Eagle Valley Golf Course, he stated, “They price it right; they service you right; and they thank you for coming in to their business.” He discussed his experience at other Carson City golf courses. He expressed concern that “the government sometimes is not ... private business friendly.” He expressed support for private businesses, noting that “private businesses need to make a profit. Public businesses do not need to make a profit and, because they do not need to make a profit, we have a skateboarding park over here. ... You have so many things here for so many citizens, but it seems like a business, like a golf course, that makes money, is always the one that [gets] axed, cut, or whatever.” He pointed out that “the skateboard park doesn’t make you any money. Mills Park doesn’t make you any money. You don’t charge people to go there. You don’t charge people to go to a lot of different places. Private business will do well. Price it right, service the people, and thank them for coming in.”

(4:27:53) Tom Leahy, a resident of Carson City, provided background information on his interest in the subject matter. He expressed objection to the proposed amended and restated lease agreement in consideration of the Eagle Valley Golf Course having “not met its fiduciary responsibilities ...” He encouraged the Board to “review this whole situation, see what alternatives you have ...” He advised of having run a number of “multi-million dollar businesses in [his] career.”

(4:29:20) John Howke, a Carson City citizen, discussed the health benefits of golf and the benefit to the community of the tournaments held at the Eagle Valley Golf Course. He suggested that the “unfair competition” is “only because of Jim Kepler. [He’s] watched that course go from, the east course where you had to look to find grass on the fairway to where it’s a great course. The greens are superb, the fairways are great.” He described the Eagle Valley Golf Course as “a resource we can’t afford to lose.”

(4:31:57) Dave Terwilliger read a prepared statement into the record. He requested the Board to “consider the benefits to our kids, our elderly, low income, and the citizens of Carson City before entertaining the closure of Eagle Valley East, Eagle Valley West, or both. Eagle Valley, under the current management, is managed for the love of the game.” He expressed love for “the game,” and his love for playing at Eagle Valley.

(4:35:28) Eagle Valley Golf Course General Manager Jim Kepler expressed the opinion that the citizens have deemed golf as a “big part of this community.” In reference to previous comments, he stated his premise that “you put a bill on us that no other golf course, in the history of golf, has been put upon them.” He provided background information on the \$4.5 million obligation. He pointed out that the Carson City Municipal Golf Corporation (“CCMGC”) has never requested a discount; “we’ve asked for time to pay it.” He suggested comparing percentages among other municipal golf courses. He expressed the belief “we’re the right product and doing the right thing and we’ve given you no reason, except for not making these payments that we’ve always agreed to pay; just want more time on.”

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 17

DRAFT

(4:40:55) Liz Leaper, a resident of Dayton Valley, advised that she plays golf at the Eagle Valley Golf Course because it is “the best course that Northern Nevada has going right now. It is in the best shape it’s ever been in. It is not even a shadow of the others.” She highly recommended touring the other area golf courses, and suggested that doing so will result in the realization that the Eagle Valley Golf Course is “a treasure.” She described the scenic value of the golf course at the City’s eastern gateway.

(4:42:34) Former Mayor Harold Jacobsen advised that he is 91 years old and walks the Eagle Valley Golf Course three times a week. He challenged the Board members to walk with him, and reviewed historic information on his involvement in constructing the course.

Mayor Crowell called for additional public comment and, when none was forthcoming, additional Board member comments. Mayor Crowell suggested that the proposed amended and restated lease agreement seems to cover “a lot of the problems we’ve talked about.” Supervisor Abowd expressed support for resolving the subject matter. She stated, “Jim [Kepler] inherited a debt. He did not start from zero, as [Ms. Wright] ... and he said. The Moss-Adams report was positive. They’ve implemented every recommendation.” Supervisor Abowd suggested the proposed lease agreement should not be considered as a “reward,” but as “good business sense for the City ...” She further suggested that citizens from other communities testifying in support of the proposed lease agreement “speaks ... that [Mr. Kepler] has created quite an asset for the City.” She expressed the opinion that “this contract, with all the amendments, is a reasonable approach to repaying the past debt and moving forward on this golf course.”

Supervisor Bonkowski suggested that “this issue is a little more simple ... It’s not about whether ... the municipal course competes against other courses or if we should close the course or change the use ... It’s about a workable contract and what’s best for the City. Prudent business practice dictates that contracts should be put out to bid for multiple reasons. It tells us if the City’s expectations are reasonable. It tells us if the operator’s concerns are valid. The truth is that we need all three golf courses in order to place effluent. We can’t afford for any of the golf courses to go away.” Supervisor Bonkowski expressed the opinion that “it would also be prudent ... to look into acquiring the reversionary rights to the west course which would provide the City with more options for use of the land going forward. In the end, though, [there is] no down side to anybody to putting the operation contract out to bid. The current operator can bid. The City institutes sound business practice. And the operator, whoever it may be, gets input into what a reasonable contract is for the operation of the golf course.”

Supervisor Shirk expressed the personal belief that Carson City “should have a municipal golf course similar to what we do for the swimmers and for the skateboarders.” He commended Mr. Werner and Mr. Providenti for meeting with the CCMGC representatives to “put this lease together.” He expressed a preference for the lease agreement to have been submitted to the bid process prior to having been submitted to the Board for review and approval.

Supervisor McKenna expressed an interest in the City dealing with the reversionary rights to the west course. He discussed the need for “all three golf courses and more ... as Carson City grows, as water use grows, we have more need to handle our effluent.” He recapped Mr. Azevedo’s offer, and advised that he could vote for the amended and restated lease agreement in principle. He expressed an interest in hearing from the citizens as to the services wanted from City government.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 18

DRAFT

Mayor Crowell provided historic information on the original lease arrangement between the City and the Eagle Valley Golf Course. He expressed the opinion that “it’s kind of unfair ... to go out and rebid it now after they’ve done everything they’ve done, trying to make this a first class municipal golf course, given the status ...” He expressed uncertainty that he could “accept a bid where the competitive environment has changed.”

Mayor Crowell entertained a motion. **Supervisor Abowd moved to approve the contract, as amended here today, to be brought back before this Board for final approval, and to keep the golf course open as it exists today. Supervisor McKenna seconded the motion.** Discussion took place with regard to the intent of the motion. Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 3-2.** Mayor Crowell recessed the meeting at 4:57 p.m., and advised that he would not be returning due to illness.

23(B) POSSIBLE ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AMENDMENT NO. 5 TO THE GROUND LEASE, BETWEEN THE SEASONS LIMITED PARTNERSHIP (AUTUMN VILLAGE) AND CARSON CITY, WHICH RETROACTIVELY CLARIFIES AND WAIVES PAST INCONSISTENT TAX ACCRUAL, THAT THE CONSIDERATION FOR THE LEASE IS, IN PART, A PAYMENT IN LIEU OF AD VALOREM TAXES FOR THIS TAX EXEMPT ENTITY, AND SUCH PAYMENT IS CALCULATED AS A NORMAL AD VALOREM TAX BUT ONLY THAT PORTION OF THE TAX ATTRIBUTABLE TO CARSON CITY’S PORTION OF THE TAX IS PAYABLE UNDER THE LEASE (5:07:53) - Mayor *Pro Tem* Abowd reconvened the meeting at 5:07 p.m. Mr. Werner introduced this item, provided background information, reviewed the agenda materials, and responded to questions of clarification. At Supervisor Bonkowski’s request, Mr. Werner agreed to agendize an informational presentation relative to this item.

Mayor *Pro Tem* Abowd entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to approve and authorize the Mayor to sign Amendment No. 5 to the Ground Lease, between The Seasons Limited Partnership (Autumn Village) and Carson City, which retroactively clarifies and waives past, inconsistent tax accrual; that the consideration for the lease is, in part, a payment in lieu of ad valorem taxes for this tax-exempt entity, and such payment is calculated as a normal, ad valorem tax, but only that portion of the tax attributable to Carson City’s portion of the tax is payable under the lease. Supervisor McKenna seconded the motion. Motion carried 4-0.**

23(C) DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE MAYOR TO SIGN A LETTER TO THE UNIVERSITY OF NEVADA, RENO (“UNR”) TO CONVEY THE BOARD’S POSITION OF THE PROPOSAL TO MERGE UNIVERSITY OF NEVADA COOPERATIVE EXTENSION AND THE COLLEGE OF AGRICULTURE, BIOTECHNOLOGY, AND NATURAL RESOURCES UNDER ONE DEAN (5:17:56) - Mr. Werner introduced this item, provided background information, and reviewed the agenda materials. He specifically referred to the March 11, 2013 letter from University of Nevada Cooperative Extension Advisory Committee Chair Tom Baker, which was included in the agenda materials.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 19

DRAFT

(5:18:52) At Mayor *Pro Tem* Abowd's request, University of Nevada Cooperative Extension Educator JoAnne Skelly approached the podium and introduced herself for the record. Mayor *Pro Tem* Abowd summarized the proposal as a change from a "two-tier system to a three-tier system" which results in a different method for allocating funding. Ms. Skelly acknowledged the accuracy of the statement, and provided additional clarification. "... it does add a whole other level of administrative stuff to go through for funding approval and any kind of activities that we would do in the county." In response to a question, Ms. Skelly advised that a number of counties have written letters in opposition to the proposal. She listed them as Douglas County, Churchill County, Humboldt County, Pershing County, and Washoe County. She advised that the Clark County Commissioners planned to agendaize the matter. She further advised that the Nevada Association of Counties expressed written opposition to the proposed merger. Mr. Werner referred to the March 25, 2013 letter from NACO Executive Director Jeff Fontaine, which was included in the agenda materials.

Mayor *Pro Tem* Abowd entertained additional Board member comments or questions and, when none were forthcoming, public comments. Ms. Skelly advised of having worked under both systems, "and when we had to go through that merged model, we often had ... the majority of ... our faculty FTEs ... on campus, and then would have a five or possibly a ten percent Cooperative Extension appointment. And so, basically, all they did for the county was possibly send some kind of a publication out to the county. They didn't often come out to the county and do anything. It's not like how it is now where we're here and we work here." She expressed concern over detriments to Carson City under such a model.

In response to a question, Mr. Werner advised that no draft letter had been included in the agenda materials. In response to a further question, he explained the practice to distribute copies of correspondence, authorized by the Board and drafted and signed by the Mayor, back to the Board members. Mayor *Pro Tem* Abowd entertained a motion. **Supervisor McKenna moved to authorize the Mayor to sign a letter to the University of Nevada, Reno to convey the Board's position to oppose the proposal to merge University of Nevada Cooperative Extension and the College of Agriculture, Biotechnology, and Natural Resources under one dean. Supervisor Bonkowski seconded the motion.** Mayor *Pro Tem* Abowd entertained discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 4-0.**

23(D) DISCUSSION AND POSSIBLE ACTION TO CONVEY TO THE 2013 LEGISLATURE THE BOARD'S POSITION ON AB 312, AS AMENDED, A BILL TO MODIFY THE CITY'S CHARTER TO PROVIDE FOR THE APPOINTMENT OF CHARTER REVIEW COMMITTEE MEMBERS BY PUBLIC OFFICIALS INSTEAD OF NOMINATING CHARTER REVIEW COMMITTEE MEMBERS AND TO SET THE DATE OF APPOINTMENT AS JANUARY 1, AND TO ADVISE THE LEGISLATURE DIRECTLY OF ANY RECOMMENDED CHANGES TO THE CITY'S CHARTER (5:23:52) - Mr. Werner introduced this item, provided background information, and reviewed the agenda materials. In response to a comment, he discussed the effect of the bill. Supervisor Shirk expressed support for the Charter Review Committee being independent of the Board of Supervisors. He expressed the belief "this is a good thing for Carson City."

Mr. Werner responded to questions of clarification regarding the Charter Review Committee appointment process. In response to a further question, he advised that the "Charter Review Committee that heard this issue elected not to make any changes to the City's Charter. ... Ultimately, then, the decision was that we would have no bill going forward to change our Charter."

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 2, 2013 Meeting

Page 20

DRAFT

Mayor *Pro Tem* Abowd entertained public comment. (5:28:34) Ande Engleman provided background information on the bill proposed by Assemblyman Pete Livermore. Supervisor McKenna noted that there were ten Clark County legislators who sponsored the subject bill. In response to a question, Mr. Werner advised that the City's lobbyist has received no direction from the Board on the subject bill. In response to a question, Ms. Engleman expressed support for the bill.

Mayor *Pro Tem* Abowd entertained additional public comment. (5:33:40) Karl Neathammer, a resident of Carson City, suggested that "AB 312 should be renamed the 'Political Castration of the Carson City Board of Supervisors or, in the alternative, 'Screw the Citizens of Carson City; you no longer have a voice because the Charter Review Committee is now your new government.'" He inquired as to whether the Board members had read the bill in its entirety. He discussed reasons for his strong opposition to the bill, specifically that the bill "usurps the local authority ..."

(5:44:28) In response to questions from Carol Howell, Mr. Werner and the Board members provided clarification of the provisions of the bill. (5:49:11) Ande Engleman provided additional historic information, and discussed the provisions of the bill.

Mayor *Pro Tem* Abowd entertained additional public comment and, when none was forthcoming, a motion. Supervisor Bonkowski advised of no opposition to the provision relative to appointment of members, but expressed objection to the Charter Review Committee recommendations being forwarded directly to the legislature. **Supervisor Bonkowski moved to convey to the 2013 Legislature that the Carson City Board of Supervisors does not support AB 312, a bill to modify the City's Charter to advise the Legislature directly of any recommended changes to the City's Charter. Supervisor McKenna seconded the motion.** In response to a question, Supervisor Bonkowski expressed understanding that the Legislature is "going to do what they want to do." Mayor *Pro Tem* Abowd entertained additional discussion and, when none was forthcoming, a vote on the pending motion. **Motion carried 3-1.**

Mr. Werner advised that the Board is already on record for not supporting the appointment versus nomination "for ... the fact that it did bypass the Charter Review Committee." Following discussion, Mr. Werner advised that City representatives would take action to oppose the bill according to the direction of the motion. Supervisor Bonkowski reiterated that he was not opposed to the nomination versus appointment issue. (5:56:09) Ande Engleman advised that the bill would be heard Monday.

24. PUBLIC COMMENT (5:56:31) - Ande Engleman discussed concern over the "very real movement to take the Legislature to Las Vegas." Mayor *Pro Tem* Abowd entertained additional public comment; however, none was forthcoming.

25. ACTION TO ADJOURN (5:59:51) - Supervisor McKenna moved to adjourn the meeting at 5:59 p.m. The motion was seconded and carried unanimously.

The Minutes of the May 2, 2013 Carson City Board of Supervisors meeting are so approved this _____ day of September, 2013.

ATTEST:

ROBERT L. CROWELL, Mayor

ALAN GLOVER, Clerk - Recorder