CARSON CITY BOARD OF SUPERVISORS
Minutes of the December 4, 2008 Meeting
Page 1

A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, December 4, 2008 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Marv Teixeira
Supervisor Robin Williamson, Ward 1
Supervisor Shelly Aldean, Ward 2
Supervisor Pete Livermore, Ward 3
Supervisor Richard Staub, 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 recording secretary during the meeting are public record. These materials are on file in the Clerk-Recorder's Office, and available for review during regular business hours.

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, AND INVOCATION (8:30:11) - Mayor Teixeira called the meeting to order at 8:30 a.m. Roll was called; a quorum was present. Development Services Director Walter Sullivan led the pledge of allegiance. Dave Goodale, of Capital Christian Center, gave the invocation.

PUBLIC COMMENTS AND DISCUSSION (8:31:21) - None.

1. ACTION ON APPROVAL OF MINUTES - November 6, 2008 and November 12, 2008 (8:31:29) - Supervisor Aldean suggested an addition to item 5 of the November 6th minutes. Mayor Teixeira entertained a motion. Supervisor Aldean moved to approve the November 6, 2008 minutes, as amended. Supervisor Livermore seconded the motion. Motion carried 5-0. Supervisor Aldean moved to approve the November 12, 2008 minutes, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

2. CHANGES TO THE AGENDA (8:32:49) - On behalf of Supervisor Staub, Mr. Werner requested to reagendize items 5(A) and (B) to the December 18th meeting. Supervisor Staub acknowledged his concurrence. (9:43:43) Mr. Werner further modified the agenda to address item 8(B) prior to item 8(A).

RECESS AS BOARD OF SUPERVISORS (8:33:25) - Mayor Teixeira recessed the meeting at 8:33 a.m.

LIQUOR AND ENTERTAINMENT BOARD

CALL TO ORDER AND ROLL CALL (8:33:37) - Chairperson Teixeira called the Liquor and Entertainment Board to order at 8:33 a.m. Roll was called; a quorum was present including Member Steve Albertson.

ACTION ON APPROVAL OF MINUTES - October 16, 2008 (8:33:55) - Supervisor Aldean moved to approve the minutes, as presented. Supervisor Livermore seconded the motion. Motion carried 5-0.

3. DEVELOPMENT SERVICES - BUSINESS LICENSE

3(A) SHOW CAUSE HEARING ON LIQUOR LICENSE #08-23393 HELD BY DICK NOLLET DBA 7-ELEVEN (STORE #2236-15833) LOCATED AT 3083 HIGHWAY 50 EAST, CARSON CITY, REGARDING WHY DISCIPLINARY ACTION SHOULD NOT BE TAKEN, PURSUANT TO CCMC 4.13.150 - DISCIPLINARY ACTION PROCEDURE AND PENALTIES, BASED ON THE ISSUANCE OF A CITATION FOR SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS RELATED TO THE SALE OF LIQUOR TO A MINOR AT THE LICENSED PREMISES, AND POSSIBLE ACTION TO IMPOSE A FINE NOT TO EXCEED $500.00 AND THE REQUIREMENT THAT THE LICENSEE ATTEND THE ALCOHOL SERVER TRAINING PROGRAM WITHIN THREE MONTHS FROM TODAY'S DATE (8:34:20) - Development Services Director Walter Sullivan introduced this item, reviewed the agenda materials, including the recommended action, and responded to questions of clarification.

(8:36:39) Dick Nollet introduced himself for the record, and acknowledged having owned the subject establishment for a period of two-and-a-half years. He provided background information on his history with 7-11 stores in Nevada over a period of thirty years. He expressed embarrassment over the subject incident. "This is the first time anything like this has reached this point for me." In response to a question, he advised that the same employee, Regina Cook, incurred both citations, and that "she was fired immediately that evening in November." Mr. Nollet further advised that following the first offense, "all of our employees were put on notice ... that any of them, regardless of the length of service ... would be immediately released if they failed any kind of sting ..." In response to a further question, Mr. Nollet advised of having been cited "occasionally ... through the years. Nothing like this one where it was the same person." He discussed the "extensive training program" entitled "Come of Age" which 7-11 employees are required to complete upon being hired and annually thereafter. He advised that his employees have never participated in the Sheriff's Office servers education class. He expressed a willingness for his employees to participate in the class, if required. He discussed the incident giving rise to the subject hearing. Mr. Nollet acknowledged "ultimate responsibility" as the license holder, and agreed with the $500 fine. He assured the board members that the matter has not been lightly considered. He further acknowledged the possibility of losing the liquor license, and discussed the potential for additional ramifications as the 7-11 franchise holder.

Mr. Sullivan acknowledged that the $500 fine would be appropriate pursuant to City code, and suggested mandatory attendance by Mr. Nollet's employees of the Sheriff's Office servers education class. In response to a further question, Mr. Sullivan reviewed the ramifications associated with a third offense, pursuant to the Carson City Municipal Code. Ms. Bruketta responded to questions of clarification.

Chairperson Teixeira entertained board member comments; however, none were forthcoming. Member Albertson acknowledged the appropriateness of the fine and the mandatory servers education class attendance. Chairperson Teixeira entertained a motion. **Member Aldean moved to impose disciplinary action on Mr. Dick Nollet, dba 7-11 store #2236-15833, located at 3083 Highway 50 East, Carson City, pursuant to CCMC 4.13.150, Disciplinary Action Procedure and Penalties, based on the issuance of citation for second offense criminal statute violation within six months related to sale of liquor to a minor at the licensed premises; to require a fine of $500 and that all the licensee's employees attend the alcohol server training program within three months of today's date. Member Livermore seconded the motion.** Member Williamson commended Mr. Nollet on his attitude toward the situation, and his willingness to resolve the issue. Mr. Nollet discussed the extensive training and

reinforcement provided to 7-11 employees throughout the year. He noted the "uncomfortable situation" of having to rely on the employees' judgment. Member Aldean echoed Member Williamson's comments, and expressed sympathy for Mr. Nollet's position. She expressed appreciation for his willingness to take full responsibility for the actions of his employee. Chairperson Teixeira called for a vote on the pending motion. **Motion carried 6-0.** Chairperson Teixeira added his appreciation for Mr. Nollet's accepting responsibility, and wished him good luck.

3(B) SHOW CAUSE HEARING ON LIQUOR LICENSE #08-24700 HELD BY BLANCA GUTIERREZ DBA NOVEDADES GUTIERREZ, LOCATED AT 1501 EAST FIFTH STREET, CARSON CITY, REGARDING WHY DISCIPLINARY ACTION SHOULD NOT BE TAKEN, PURSUANT TO CCMC 4.13.150 - DISCIPLINARY ACTION PROCEDURES AND PENALTIES, BASED ON THE FAILURE OF THE LICENSEE TO PROMPTLY PAY A REQUIRED FEE, AND POSSIBLE ACTION TO SUSPEND OR REVOKE THE LICENSE (8:48:38) - Mr. Sullivan introduced this item, and advised that the applicant paid the $100 fine earlier in the week.

ACTION TO ADJOURN AS THE LIQUOR AND ENTERTAINMENT BOARD (8:48:58) - Chairperson Teixeira adjourned the Liquor and Entertainment Board at 8:48 a.m.

RECONVENE AS THE BOARD OF SUPERVISORS (8:49:01) - Mayor Teixeira reconvened the Board of Supervisors at 8:49 a.m.

BOARD OF SUPERVISORS

4. CONSENT AGENDA (8:49:15) - Mayor Teixeira entertained requests to hear items separate from the consent agenda. When none were forthcoming, he entertained a motion to approve the consent agenda. **Supervisor Livermore moved approval of the consent agenda, consisting of two items: 4-1, Development Services Engineering; and 4-2, City Manager, with recognition to the reappointment of Carole Brewer, Terrill Ozawa, and Roy Trenoweth to the Shade Tree Council with terms expiring January 1, 2011. Supervisor Aldean seconded the motion. Motion carried 5-0.**

4-1. DEVELOPMENT SERVICES ENGINEERING - ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE RELEASE AND CANCELLATION OF THE IMPROVEMENT AGREEMENT BETWEEN SILVER OAK DEVELOPMENT COMPANY AND CARSON CITY FOR SILVER OAK PUD, PHASE 7, COVERING A PORTION OF APN 08-061-07, LOCATED ON FLINTWOOD DRIVE, SOUTH OF COLLEGE PARKWAY AND EAST OF ORMSBY BOULEVARD, CARSON CITY, NEVADA

4-2. CITY MANAGER - ACTION TO REAPPOINT CAROLE BREWER, TERRILL (TERRI) OZAWA, AND ROY TRENOWETH TO THE SHADE TREE COUNCIL, TERMS TO EXPIRE JANUARY 1, 2011

RECESS AS BOARD OF SUPERVISORS (8:50:04) - Mayor Teixeira noted that both Redevelopment Authority items had been continued, and advised that the Board would not recess.

REDEVELOPMENT AUTHORITY

CALL TO ORDER AND ROLL CALL

ACTION ON APPROVAL OF MINUTES - November 6, 2008

5. OFFICE OF BUSINESS DEVELOPMENT

5(A) ACTION TO APPROVE A COMMITMENT AGREEMENT FOR CONTINUING BUSINESS OPERATION BETWEEN CARSON CITY AND MICHAEL HOHL MOTOR COMPANY THAT PROVIDES A FINANCIAL INCENTIVE CATALYST FOR THE DEVELOPMENT OF MR. HOHL'S NEW CAR SALE FACILITIES LOCATED WITHIN REDEVELOPMENT PROJECT AREA NO. 2 IN EXCHANGE FOR MR. HOHL'S COMMITMENT TO RETAIN ALL HIS AUTO DEALERSHIPS IN CARSON CITY FOR A PERIOD OF NO LESS THAN TWENTY (20) YEARS - Continued.

5(B) ACTION TO CONSENT AND APPROVE A COMMITMENT AGREEMENT FOR CONTINUING BUSINESS OPERATION BETWEEN CARSON CITY AND MICHAEL HOHL MOTOR COMPANY THAT PROVIDES A FINANCIAL INCENTIVE CATALYST FOR THE DEVELOPMENT OF MR. HOHL'S NEW CAR SALE FACILITIES LOCATED WITHIN REDEVELOPMENT PROJECT AREA NO. 2 IN EXCHANGE FOR MR. HOHL'S COMMITMENT TO RETAIN ALL HIS AUTO DEALERSHIPS IN CARSON CITY FOR A PERIOD OF NO LESS THAN TWENTY (20) YEARS - Continued.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

6. CARSON CITY AIRPORT AUTHORITY

6(A) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 19, AIRPORT RULES AND REGULATIONS, TO RELOCATE SECTION 19.05 WHICH ADDRESSES FEES FOR DISSOLUTION OF MARRIAGE TO SECTION 2.33, AND OTHER MATTERS PROPERLY RELATED THERETO (8:50:19) - Airport Authority Counsel Steve Tackes introduced this item and reviewed the agenda report. Mayor Teixeira entertained Board member and public comments. When none were forthcoming, he entertained a motion. **Supervisor Aldean moved to introduce, on first reading, Bill No. 137, an ordinance amending Carson City Municipal Code, Title 19, to relocate Section 19.05, which addresses fees for dissolution of marriage to Section 2.33. Supervisor Williamson seconded the motion. Motion carried 5-0.**

6(B) ACTION TO ADOPT, ON SECOND READING, BILL NO. 135, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 19, AIRPORT RULES AND REGULATIONS; AMENDING DEFINITIONS, DELETING OBSOLETE REFERENCES, RENUMBERING SECTIONS, ESTABLISHING CHAIN OF COMMAND IN ABSENCE OF AIRPORT MANAGER, ADDRESSING INSURANCE AND CLEANING OBLIGATIONS FOR SPECIAL EVENTS, ESTABLISHING VEHICLE DRIVING RULES AND LIMITATIONS ON PEDESTRIAN TRAFFIC IN OPERATION AREAS, REPLACING UNCONSTITUTIONAL ADVERTISING RESTRICTIONS, UPDATING AND RAISING TRAFFIC PATTERN ALTITUDE; ADOPTING GOOD PILOT PRACTICES FROM THE FAA AIRMAN'S INFORMATION

MANUAL; INCORPORATING FIRE REGULATIONS LINKED TO CCMC TITLE 14 (FIRE CODE), ESTABLISHING PROCEDURES FOR INSPECTIONS OF HANGARS, REQUIRING REIMBURSEMENT FROM APPLICANTS FOR COST OF AUTHORITY ENGINEERING AND LEGAL REVIEW, ADOPTING NEW PROVISIONS TO DEFINE NON-AVIATION BUSINESS ACTIVITIES ON THE AIRPORT; IMPROVING THE LIST OF INFORMATION THAT MUST BE INCLUDED AS SUPPORT FOR APPLICATIONS FOR BUSINESS LICENSES ON THE AIRPORT; CLARIFYING LANGUAGE AS TO CLASS 1 THROUGH CLASS 5 FIXED BASE OPERATORS (FBOs); PROHIBITING RESIDENTIAL USES EXCEPT FOR EMERGENCY OPERATIONS AND WITH AIRPORT MANAGER APPROVAL; REQUIRING MINIMUM AIRCRAFT OWNERSHIP FOR CERTAIN FBOs; PROHIBITING OUTSIDE STORAGE OF DERELICT AIRCRAFT; REQUIRING THAT AIRCRAFT HANGARS BE USED FOR AIRCRAFT STORAGE AND INFORMATION ON AIRCRAFT REGISTRATION; UPDATING OUTDATED INSURANCE MINIMUMS; ADDING TRAINING REQUIREMENTS FOR AIRPORT PERSONNEL; IMPROVES COOPERATIVE ARRANGEMENT BETWEEN THE AIRPORT, SHERIFF'S OFFICE (WHICH CONTINUES TO HAVE LAW ENFORCEMENT AUTHORITY UPON THE AIRPORT) AND THE DISTRICT ATTORNEY SUCH THAT OFFENSES CAN BE PROSECUTED AND PENALTIES CAN BE ASSESSED; ADOPTS LATE PAYMENT PENALTIES FOR LEASE PAYMENTS; PROHIBITS DUMPING AND TRESPASS UPON THE AIRPORT; ALLOWS REVOCATION OF THROUGH-THE-FENCE PERMIT FOR FAILURE TO PAY FEES; CONTAINS NEWLY REVISED TRAFFIC PATTERN CHART, AND OTHER MATTERS PROPERLY RELATED THERETO (8:51:51) - Mr. Tackes introduced this item and reviewed the agenda report. He advised that the only revisions were to correct typographical errors throughout the document, as pointed out by Supervisor Aldean. Mayor Teixeira entertained Board member and public comments. When none were forthcoming, he entertained a motion. **Supervisor Williamson moved to adopt, on second reading, Bill No. 135, Ordinance No. 2008-36, amending and restating Carson City Municipal Code, Title 19, as published with the agenda, including any technical corrections, based on the findings contained in the Airport Authority action. Supervisor Aldean seconded the motion. Motion carried 5-0.**

6(C) ACTION TO AMEND THE COOPERATIVE AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY AIRPORT AUTHORITY TO CLARIFY THE AIRPORT AUTHORITY'S LEASING AUTHORITY (8:54:35) - Mr. Tackes introduced this item, reviewed the agenda report, and the provisions of the proposed amendment. In response to a question, Ms. Bruketta advised of having participated in drafting the amendment. She acknowledged support for the same. In response to a further question, Mr. Tackes advised of having modified the language to indicate "Carson City Airport Authority and Carson City, as landlord." "The title company is happy with that," and Mr. Tackes provided additional clarification regarding the importance of lease language indicating that the Airport Authority has the right to act as landlord. Mayor Teixeira entertained a motion. **Supervisor Staub moved to approve the amendment of the 1990 Cooperative Agreement between Carson City and the Carson City Airport Authority, as presented. Supervisor Livermore seconded the motion. Motion carried 5-0.**

6(D) ACTION TO APPROVE AMENDMENT TO AIRPORT LEASE BETWEEN THE CARSON CITY AIRPORT AUTHORITY AND AIRPORT STRUCTURES, LLC, ALONG WITH A CONSENT TO DEED OF TRUST AND SECURITY AGREEMENT AND FIXTURE FILING WITH ASSIGNMENT OF RENTS (8:59:39) - Mr. Tackes introduced this item and reviewed the agenda report. In response to a question, he discussed the CPI increase, included in airport leases, which is imposed every two years, and is measured against the federal urban city index.

Mayor Teixeira called for Board member and public comments and, when none were forthcoming, entertained a motion. **Supervisor Staub moved to approve the amendment to the lease between Airport Structures, LLC, and the Carson City Airport Authority, and the Consent to Deed of Trust and Security Agreement and Fixture Filing with Assignment of Rents, based on the findings contained in the Airport Authority action. Supervisor Aldean seconded the motion. Motion carried 5-0.**

Discussion took place regarding the status of airport improvements. Supervisor Aldean referred to discussion at a recent Board of Supervisors meeting with regard to scheduling a meeting with the area residents. Mayor Teixeira suggested scheduling the meeting for sometime after the first of the year. Mr. Tackes responded to questions regarding airport projects which may be eligible for federal economic stimulus funding. Development Services Director Walter Sullivan offered to attend an upcoming meeting with Mayor Teixeira and Congressional representatives. Mr. Tackes advised that Supervisor Aldean's suggestion to schedule a neighborhood meeting was relayed to the Airport Authority. The Airport Engineer is meeting with the contractor on Friday to coordinate the meeting. Mayor Teixeira thanked Mr. Tackes, and recessed the meeting at 9:13 a.m.

7. DEVELOPMENT SERVICES PLANNING AND ZONING

7(A) ACTION TO ADOPT, ON SECOND READING, BILL NO. 136, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.02.080, SPECIAL USE PERMIT (CONDITIONAL USES), TO ALLOW THE PLANNING COMMISSION TO EXTEND THE EXPIRATION DATE OF SPECIAL USE PERMIT APPROVALS; AMENDING CHAPTER 18.02.085, VARIANCES, TO ALLOW THE PLANNING COMMISSION TO EXTEND THE EXPIRATION DATE OF VARIANCE APPROVALS; AMENDING CHAPTER 18.05, GENERAL PROVISIONS, SECTION 18.05.055, ACCESSORY STRUCTURES, TO CLARIFY WHEN AN ADMINISTRATIVE PERMIT IS REQUIRED; AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE SITE AND DESIGN, SECTION 1.17, MULTI-FAMILY APARTMENT DEVELOPMENT STANDARDS, TO MODIFY AND CLARIFY THE REQUIRED OPEN SPACE CRITERIA FOR MULTI-FAMILY APARTMENT UNITS, SPECIFICALLY FOR PROJECTS OF 10 UNITS OR LESS; AMENDING DEVELOPMENT STANDARDS, DIVISION 1.18, RESIDENTIAL DEVELOPMENT STANDARDS IN NON-RESIDENTIAL DISTRICTS TO MODIFY AND CLARIFY THE REQUIRED OPEN SPACE CRITERIA FOR MULTI-FAMILY APARTMENT UNITS, SPECIFICALLY FOR PROJECTS OF TEN UNITS OR LESS; AND MAKING VARIOUS TECHNICAL CORRECTIONS, AND OTHER MATTERS PROPERLY RELATED THERETO (9:23:16) - Mayor Teixeira reconvened the meeting at 9:23 a.m. Planning Division Director Lee Plemel introduced Principal Planner Jennifer Pruitt and reviewed the agenda report. Mr. Plemel advised that commercial vehicle parking in residential areas was removed following discussion during first reading. He further advised that no further comments had been received on the remainder of the proposed ordinance. Mayor Teixeira

entertained questions or comments of the public and of the Board members. In response to a question, Mr. Plemel advised of having met with and spoken to a couple of the Crain Street residents, and that meetings, to which invitations were extended to all Crain Street residents, are scheduled over the next few days.

Mayor Teixeira entertained a motion. **Supervisor Livermore moved to adopt, on second reading, Bill No. 136, Ordinance No. 2008-37, an ordinance amending various portions of Carson City Municipal Code, Title 18, including amendments related to the provisions for special use permits, variances, accessory structures, multi-family apartment development standards, multi-family apartment development standards in non-residential districts, and including various technical corrections, as published on the agenda, based on the findings contained in the staff report. Supervisor Aldean seconded the motion. Motion carried 5-0.**

7(B) ACTION TO APPROVE A REQUEST FOR A ONE-YEAR EXTENSION OF THE FINAL MAP FOR THE COMMON OPEN SPACE SUBDIVISION KNOWN AS SUMMER HAWK (PROPERTY OWNER: STANTON PARK DEVELOPMENT AND HANSLER, LLC) LOCATED APPROXIMATELY 1,030 FEET WEST OF THE INTERSECTION OF RHODES AND SOUTH CURRY STREETS (9:26:17) - Mr. Plemel introduced this item, reviewed the agenda report, and noted staff's recommendation of approval. Mayor Teixeira entertained public and Board member comments. When none were forthcoming, he entertained a motion. **Supervisor Williamson moved to approve a request for a one-year extension of the final map for the common open space subdivision known as Summer Hawk, located approximately 1,030 feet west of the intersection of Rhodes and Curry Streets. Supervisor Aldean seconded the motion. Motion carried 5-0.**

7(C) ACTION TO APPROVE A MASTER PLAN AMENDMENT TO MODIFY THE TEXT OF THE LAND USE PLAN, CHAPTER 8, EASTERN PORTAL / V&T RAILROAD GATEWAY SPECIFIC PLAN (V&T SPA), TO ADD A POLICY REGARDING THE FUTURE CHANGE OF LAND USE FROM INDUSTRIAL TO MIXED-USE COMMERCIAL AND / OR MIXED-USE RESIDENTIAL FOR PROPERTY LOCATED GENERALLY EAST OF THE BRUNSWICK POWER SUBSTATION AND SOUTH OF ASTRO DRIVE (9:27:23) - Mr. Plemel introduced this item, reviewed the agenda report, and responded to questions of clarification. He acknowledged the Planning Commission's action to recommend a mandatory change to the land use designation upon satisfaction of the requirements.

Mayor Teixeira entertained public and Board member comments. When none were forthcoming, he entertained a motion. **Supervisor Livermore moved to approve a master plan amendment to modify the text of the Land Use Plan, Chapter 8, Eastern Portal / V&T Railroad Gateway Specific Plan, to add a policy regarding the future change of land use from industrial to mixed-use commercial and / or mixed-use residential for property located generally east of the Brunswick power substation and south of Astro Drive. Supervisor Staub seconded the motion. Motion carried 5-0.**

7(D) ACTION TO APPROVE AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM JOHN PROCACCINI, BREWERY ARTS CENTER (PROPERTY OWNERS: BREWERY ARTS CENTER / CARSON CITY) TO ABANDON A 66-FOOT WIDE SECTION OF MINNESOTA STREET BETWEEN WEST SECOND STREET AND WEST KING STREET, APNs 003-206-02 AND 003-207-04, AND AUTHORIZE THE MAYOR TO SIGN THE ORDER OF ABANDONMENT (9:30:37) - Mr. Plemel introduced this item, and advised that Ms. Pruitt

had served as the staff lead. Mr. Plemel reviewed the November 19, 2008 Planning Commission staff report which was included in the agenda materials. Following discussion, Supervisor Aldean suggested adding a twelfth condition of approval to indicate that the abandonment shall not be recorded until all conditions of approval have been fulfilled to the satisfaction of the Development Services Division, including approval of the special use permit and the construction plans for closure of the street. Ms. Bruketta recommended including the same condition in the abandonment order. Supervisor Aldean further suggested including a reversionary clause in the event that the Brewery Arts Center is unable to proceed with the improvements.

(9:38:28) Brewery Arts Center Board Member Jed Block acknowledged that five years should be a reasonable period of time to raise funding and proceed with the improvements. Supervisor Livermore suggested providing for a request for extension of time at the end of the five-year period.

Supervisor Aldean noted the previously-discussed addition of the twelfth condition of approval, and further suggested adding a provision to the order of abandonment requiring nullification five years from the date of approval if construction of the first phase has not commenced, subject to a reasonable extension granted by the Board of Supervisors. (9:41:11) Mr. Block acknowledged his agreement.

Mayor Teixeira entertained additional comments and, when none were forthcoming, a motion. **Supervisor Aldean moved to approve an abandonment of public right-of-way application, AB-08-091, for a portion of a public right-of-way known as South Minnesota Street, being an 11,220-square-foot area more or less, located north of West Second Street and south of West King Street and adjacent to APNs 003-206-02 and 003-207-04, based on seven findings and subject to the conditions of approval contained in the staff report, and to authorize the Mayor to sign the order of abandonment subject to the addition of a twelfth condition of approval requiring that the abandonment document shall not be recorded until all conditions of approval of AB-08-091 have been fulfilled to the satisfaction of the Development Services Division, which includes approval of the special use permit and construction plans for closure of the street; and subject to a provision being added to the order of abandonment requiring that the order of abandonment be nullified five years from the date of this approval if construction has not begun on phase 1 of the project, subject to a reasonable extension by the Board of Supervisors. Supervisor Livermore seconded the motion. Motion carried 5-0.** Mayor Teixeira thanked Mr. Plemel and Ms. Pruitt.

8. CITY MANAGER

8(A) ACTION TO APPOINT SEAN LEHMANN TO THE PARKS AND RECREATION COMMISSION FOR A TERM ENDING JANUARY 2010 (10:26:32) - Sean Lehmann introduced himself for the record. Mayor Teixeira applauded Dr. Lehmann on his willingness to serve the community, and thanked him for his application. Dr. Lehmann responded to questions regarding his interest in serving as a parks and recreation commissioner, and his potential contributions.

Supervisors Aldean and Williamson thanked Dr. Lehmann for his application. Supervisor Staub commended Dr. Lehmann on his recent campaign for Carson City Mayor, and expressed the opinion he will be an "excellent asset to the commission." Supervisor Livermore expressed the opinion that Dr. Lehmann will be a tremendous asset to the parks and recreation commission, and looked forward to working with him. He thanked Dr. Lehmann for his application.

Mayor Teixeira entertained a motion. **Supervisor Livermore moved to appoint Sean Lehmann to the Parks and Recreation Commission for a term ending January 2010. Supervisor Aldean seconded the motion. Motion carried 5-0.**

8(B) ACTION TO APPOINT ONE MEMBER TO THE AUDIT COMMITTEE FOR A TWO-YEAR TERM ENDING DECEMBER 2010 (9:45:11) - Mr. Werner introduced this item.

(9:45:30) Julie Kidd introduced herself for the record, and responded to questions regarding her interest in audit committee membership and her potential contributions. She reviewed her experience and qualifications, and discussed the benefits of the audit process. She acknowledged having reviewed the redevelopment audit. In response to a further question, she expressed the opinion that the redevelopment audit is similar to most baseline audits. She acknowledged having reviewed the City's response. "With all due respect to the managers involved," she advised of having been somewhat disappointed. She reiterated support for the audit process as "constructive for everybody involved."

Supervisor Aldean thanked Ms. Kidd for her application, and noted that the City auditor had recently resigned. Based on Ms. Kidd's experience, she inquired as to the personal characteristics and professional credentials essential to an auditor. Ms. Kidd expressed the opinion that auditors must be "very tough" with "very thick skin" and a "basic, deep belief" that the audit process is "a constructive service." "... creating win / win situations and facilitating the solutions, when appropriate, as well as explaining your position succinctly ... goes a long ways toward making it a constructive process." Ms. Kidd discussed the importance of being detail-oriented and having an understanding of "big picture priorities versus ... the details." In response to a further question, she expressed the opinion that the composition of the Carson City Audit Committee is fairly standard. She discussed the importance of including a member from executive management, and the challenge of ensuring no conflict of interest.

Supervisor Williamson thanked Ms. Kidd for her application. Ms. Kidd acknowledged that the role of an internal auditor has changed due to expanded requirements imposed by the Sarbanes-Oxley Act. "We all know it shouldn't have. Doing the right thing is just always doing the right thing ..." Ms. Kidd expressed the opinion that the Sarbanes-Oxley Act "tightened the belt on people who were a little loose with some things they were doing, but it's also created some real stumbling blocks for those who were trying to do the right thing and it's been ... pretty expensive ..." Supervisor Williamson advised that the City's external auditor costs have increased, and that the Board will be making a decision with regard to hiring a full-time internal auditor. Ms. Kidd acknowledged the "tough decision." She noted the benefit of an external auditor "seeing a lot of different types of organizations and ... best practices across the board ...," and the alleviation of "some conflict of interest." On the other hand, she pointed out the potential of an external auditor "being a little too eager to please ..." She discussed the benefit of an internal auditor serving as a "year-round resource" in establishing new policies and procedures.

Supervisor Staub thanked Ms. Kidd for her application. In response to a question, Ms. Kidd advised of not having had an opportunity to review the City's audit manual. She noted the clearly established guidelines and practices evidenced in the redevelopment audit. In response to a further question, in consideration of her professional experience, she advised that all banks have audit committees "which serve the same sort of capacity." She commended the City's audit committee process. Supervisor Staub inquired as to Ms. Kidd's experience regarding management interaction with the audit committee. Ms. Kidd advised that audit processes which are a standard part of "the culture" seem to "go fairly smoothly." New audit

processes can be a challenge for both executive management and the audit committee to "decide where they want to be" with regard to enforcement. In response to a further question, Ms. Kidd advised of having attended audit committee meetings as a bank executive manager, but never having served as an audit committee member due to the potential conflict of interest.

Supervisor Livermore thanked Ms. Kidd for her application, and noted her extensive experience as reflected in her resumé included in the agenda materials. As a tax-paying Carson City citizen, she acknowledged the fiduciary responsibility of the Board of Supervisors to support the audit process and an audit committee in providing oversight of public funding expenditure. In response to a further question, based on the current status of the City's audit program, she recommended hiring an external auditor. She reiterated the benefit of an external auditor being able to communicate best management practices and "ideas from all over." She suggested that "as the audit program matures," it would likely become more appropriate to hire a full-time auditor. In response to a further question, she expressed the opinion that any "policy or procedure document should be ... a living document. There's always room for improvement."

Mayor Teixeira thanked Ms. Kidd for her application on behalf of the Board and the community.

(10:05:15) Joe Eiben introduced himself for the record, and responded to questions regarding his interest in continuing to serve as an audit committee member. Mayor Teixeira inquired as to suggested improvements to the audit committee. Mr. Eiben expressed the opinion that the purpose of the audit committee is to ensure that policies and procedures are implemented and improved, as appropriate, "so that the overall organization ... works well within the City." In response to a further question, he expressed the opinion that the redevelopment audit was mostly complete and justified, "but it depends on what side of the street you're looking at it from." He expressed the further opinion that the redevelopment audit was incomplete in that some of the procedures were "not totally followed by the audit committee, but it is complete ... from the perspective that it was done. But it's probably not totally complete because of all the entanglements and involvements and ... the lack of written procedures that were originally established for the redevelopment authority." In response to a further question regarding the City's response, he expressed concern over the "small errors here and there that should have been recognized and agreed upon ..."

Supervisor Aldean requested Mr. Eiben to define the dynamics of the audit committee based upon its current composition. Mr. Eiben expressed the opinion that the audit committee must be independent "because you can't be objective if you're not independent." He noted that Finance Department Director Nick Providenti had requested to resign from the committee as a member of City management. He discussed the synergy of the current committee with a certified public accountant, an attorney, a former businessman, and a citizen-at-large with management experience. He suggested the benefit of a City representative as a non-voting committee member.

Supervisor Williamson noted that the Board of Supervisors would be making a decision in the future with regard to hiring a full-time internal auditor or hiring an external auditor on a contract basis. In response to a question, Mr. Eiben reiterated the importance of independence, and recommended contracting the service. He noted the function of an internal auditor to examine procedures. "Finances come into it, ... but it's not the top priority. You have an external auditor ... that audits the City. This is not what the audit committee is doing nor should it be doing." With regard to the current composition of the committee, Supervisor Williamson inquired as to whether two Board members should continue serving. Mr. Eiben suggested it would depend upon the background and experience of the individuals.

Supervisor Staub commended Mr. Eiben on his service to the committee as an "objective asset," and recommended his reappointment.

Supervisor Livermore echoed Supervisor Staub in commending Mr. Eiben. In response to a question regarding his initial expectations, Mr. Eiben advised that he had approached committee membership cautiously in consideration of the audit process. He expressed the opinion that the committee "is doing a pretty good job," and anticipates the committee's function will continue improving.

Mayor Teixeira thanked Mr. Eiben for his volunteer service to the committee, and for his request to be reappointed. He agreed with Supervisor Williamson in that there is no need for two Board members to serve on the committee. Mr. Eiben thanked Mayor Teixeira and Supervisor Staub for their service to the community and commended them on a job well done.

Supervisor Livermore inquired as to the possibility of a conditional appointment. Ms. Bruketta noted the agendized item to appoint one member to the audit committee. Supervisor Staub advised that there would be an action item on the December 18th Board of Supervisors agenda to address Mr. Providenti's resignation from the committee. Discussion followed, and Ms. Bruketta acknowledged that an item could be agendized for the January 5th Board of Supervisors meeting to fill another audit committee seat.

(10:22:49) Supervisor-elect Molly Walt expressed agreement with Supervisor Williamson's suggestion to only have one member of the Board of Supervisors serve on the audit committee. She expressed agreement with the consensus regarding Ms. Kidd's excellent qualifications, and the opinion that Mr. Eiben's objectivity will continue to benefit the committee.

Mayor Teixeira canvassed the Board. Supervisors Livermore, Staub, Aldean, and Mayor Teixeira expressed support for reappointing Mr. Eiben. Mayor Teixeira commended Mr. Eiben's service, and requested Ms. Kidd to reapply at the appropriate time. He entertained a motion. **Supervisor Livermore moved to reappoint Joe Eiben to the audit committee for a two-year term ending December 2010. Supervisor Staub seconded the motion. Motion carried 5-0.**

(10:30:53) Mayor Teixeira reviewed the afternoon agenda and recessed the meeting at 10:30 a.m. (1:29:55) Mayor Teixeira reconvened the meeting at 1:29 p.m. A quorum of the Board was present; Supervisor Staub was absent. In addition to the City staff listed above, Transportation Manager Patrick Pittenger was present. At Mayor Teixeira's request, a moment of silence was observed in honor of the recent passing of Milton Manoukian. Mayor Teixeira advised that funeral services would be held on December 13th at the church on Manogue Way in Reno.

9. CITY MANAGER - ACTION TO APPOINT ONE MEMBER TO THE REGIONAL TRANSPORTATION COMMISSION (RTC) TO FILL A TWO-YEAR TERM TO EXPIRE DECEMBER 31, 2010 (1:31:28) - Mayor Teixeira introduced this item. (1:31:33) Chuck Abbott introduced himself for the record and responded to questions regarding his interest in serving as a Regional Transportation Commissioner. In response to an additional question, he discussed goals to reduce traffic accidents and to make streets safer for pedestrians and bicyclists.

Supervisor Livermore thanked Mr. Abbott for his application. Mr. Abbott responded to additional questions regarding the JAC Transit System, traffic calming devices, and alternative modes of transportation.

Supervisor Williamson thanked Mr. Abbott for his application. He acknowledged having retired in October 2007. In response to a question, he expressed support for narrowing Carson Street and making it more pedestrian friendly.

Supervisor Aldean explained the Regional Transportation Commission's responsibility for balancing priorities. In response to a question, Mr. Abbott expressed the opinion that safety should be the number one priority followed by capacity. Supervisor Aldean explained the complete street concept, and thanked Mr. Abbot for his application.

Mayor Teixeira thanked Mr. Abbott for his application. In response to a question, Mr. Abbott expressed the belief that his experience would be beneficial to the commission.

(1:41:52) Dee Dee Foremaster introduced herself for the record, and Mayor Teixeira thanked her for applying. Ms. Foremaster responded to questions regarding her interest in serving as a Regional Transportation Commissioner, and her potential contributions.

Supervisor Livermore reviewed the recent activities of the Regional Transportation Commission and the Carson Area Metropolitan Planning Organization. In response to a question, Ms. Foremaster discussed her daily work with "the low income population" in the community "who would utilize the bus system more if they had more knowledge about it." She discussed ideas to improve transit system access for the disabled and low income populations. In response to a further question, she expressed support for traffic calming devices. She discussed the need to better market the fixed-route transit system to the youth in the community. In response to a further question, she discussed the need to continue improving the community's bicycle and pedestrian trail systems.

Supervisor Williamson thanked Ms. Foremaster for her strong advocacy of the homeless in the community. Supervisor Williamson noted the responsibility of the Regional Transportation Commission to balance priorities in consideration of limited funding. In response to a question, Ms. Foremaster discussed the need to increase transit system "rideability" and to extend the system to the Goni Road area "where a lot of the manufacturing companies are ..." In response to a further question, she discussed the need for more curb cuts and "for our community to be walkable, especially for the disabled."

Supervisor Aldean commended Ms. Foremaster's previously-expressed ideas to improve transit system access. She inquired as to Ms. Foremaster's ideas for enhancing JAC Transit System revenues. Ms. Foremaster expressed support for "a regional marriage of the communities around us." She suggested the possibility of utilizing "more funds if we married with the small communities around us and became a regional-area, including Douglas County ... the Lake Tahoe area, Dayton, and Storey County." She referred to successful regional transit systems in Utah and Montana, as examples. She further suggested researching transit system models in other jurisdictions in consideration of fund raising methods. Supervisor Aldean noted the BlueGo Transit System partnership between the South Lake Tahoe Area Transit Authority and the Carson City Regional Transportation Commission. Ms. Foremaster commended the transit system as vital to the area. She acknowledged support for the complete street concept, and expressed the opinion that

had the concept been implemented forty years ago, "everybody in this community would be healthier, ... and would have benefitted from a transportation system a lot sooner." She commended community planners on identifying the issues and "moving forward quickly to meet the demands ..." Supervisor Aldean thanked Ms. Foremaster, and echoed Supervisor Williamson's comments regarding Ms. Foremaster's advocacy for those in need.

Mayor Teixeira thanked Ms. Foremaster for her application, and advised her there was one position to be filled.

(1:59:53) Jim Mallery introduced himself for the record, and provided background information on his residence in Nevada and his career with the Nevada Department of Transportation. Mayor Teixeira thanked Mr. Mallery for his application on behalf of the Board of Supervisors and the community. Mr. Mallery responded to questions regarding his interest in serving as a Regional Transportation Commissioner, his expertise, and potential contributions.

Supervisor Livermore thanked Mr. Mallery for his application. In response to a question, Mr. Mallery discussed the origins of the present JAC transit system. He responded to additional questions regarding the benefits and potential detriments of traffic calming devices, and pedestrian / bicycle trails and pathways.

Supervisor Williamson thanked Mr. Mallery for his application, and congratulated him on his upcoming retirement after thirty years with the Nevada Department of Transportation. In response to a question, he shared contemplations regarding the possibility of adjusting to the new role of serving as a Regional Transportation Commissioner "on the other side" of the table from NDOT staff persons. He assured the Board members, "I can play on the team that I'm on." He reiterated the benefit of NDOT inside knowledge. In response to a further question, he discussed the importance of ensuring Carson City is "grandfathered in" to the new surface transportation reauthorization bill. He further discussed the importance of CAMPO being more independent from the "ebb and flow of federal funds. Have a stable funding source to operate CAMPO."

Supervisor Aldean noted the responsibility to balance priorities in the face of diminishing funds. In response to a question, Mr. Mallery expressed the opinion that work projects should be prioritized in light of available funding, politics, complaints, safety and capacity issues. He discussed the importance of completing the freeway, and considering improvements to Stewart Street, Curry Street, and Roop Street, and to the downtown. He acknowledged support for the complete street concept. In consideration of public transportation, he noted a statistic from the American Public Transit Association that every local dollar invested in local transportation systems returns six dollars to the community. He suggested that a "nice, running, efficient, small transit system" is an investment in the community. He discussed various federal transportation agencies, and the importance of efficiencies in service.

Mayor Teixeira reiterated his thanks to Mr. Mallery for his application, and canvassed the Board members. Supervisor Aldean complimented the applicants, and noted the importance of striking a balance between technical expertise and lay persons. She recommended the appointment of Jim Mallery. Supervisor Williamson concurred and expressed support for Mr. Mallery's appointment. She suggested taking time to hear the ideas of the other two applicants. In response to a question, Mr. Pittenger advised that Ms. Foremaster serves as a member of the advisory committee. Supervisor Livermore expressed support for Mr. Mallery's appointment. Mayor Teixeira entertained a motion. **Supervisor Aldean moved to appoint**

Jim Mallery to the Regional Transportation Commission for a two-year term, ending December 31, 2010. Supervisor Williamson seconded the motion. Motion carried 4-0. Mayor Teixeira thanked Ms. Foremaster and Mr. Abbott for their applications.

Supervisor Aldean commended Regional Transportation Commissioner Larry Hastings for his service. (2:17:51) Commissioner Hastings expressed appreciation for the opportunity to have served as a member of the Regional Transportation Commission. He thanked Supervisors Aldean and Staub, and commended them on "a fantastic job." He expressed the opinion that the Board made a wise choice in appointing Mr. Mallery. Mayor Teixeira recessed the meeting at 2:18 p.m. and reconvened at 2:25 p.m.

10. MAYOR TEIXEIRA - PRESENTATION AND UPDATE ON THE ACTIVITIES OF PARTNERSHIP CARSON CITY (2:25:15) - Mayor Teixeira introduced this item. Sheriff Ken Furlong introduced Partnership Carson City Coordinator Kathy Bartosz. Ms. Bartosz narrated a PowerPoint presentation, copies of which had been distributed to the Board members and staff. She thanked the Board for their progressive foresight.

Supervisor Williamson congratulated Ms. Bartosz, Mayor Teixeira, Sheriff Furlong, and everyone involved in Partnership Carson City. In response to a question, Ms. Bartosz provided the Partnership Carson City office phone number. Sheriff Furlong provided additional detail regarding the location of the Partnership Carson City office. Supervisor Aldean applauded Ms. Bartosz, Sheriff Furlong, and everyone involved in the program. In response to a question, Ms. Bartosz described experimental treatments to deter methamphetamine use. She discussed the importance of changing behaviors and character traits as well. Sheriff Furlong advised that the most effective long-term method is people "changing their lives." In response to a question, Sheriff Furlong advised that integrating deputy sheriffs into the problem residential areas had not been previously considered. He advised that Sheriff's Office personnel and Partnership Carson City representatives are working closely with residents. He noted the Neighborhood Watch program, as an example, and discussed the importance of building relationships. Mayor Teixeira discussed the immense "collateral damage" to families caused by drug abuse. He apologized for not having provided a Board presentation sooner. Discussion ensued.

Ms. Bartosz reviewed the 2008 / 09 budget worksheet, copies of which were distributed to the Board members and City staff. Mayor Teixeira recommended that Ms. Bartosz or Sheriff Furlong provide at least a semi-annual presentation to the Board of Supervisors. Sheriff Furlong advised that Partnership Carson City had returned over ten percent of its funding last year. He further advised that Partnership Carson City budget oversight is being provided by Sheriff's Office Business Manager Kathie Heath. He encouraged participation in Partnership Carson City. Mayor Teixeira thanked Ms. Bartosz.

11. SHERIFF AND PARTNERSHIP CARSON CITY - ACTION TO APPROVE THE ACCEPTANCE OF THE U.S. DEPARTMENT OF JUSTICE METHAMPHETAMINE INITIATIVE GRANT #2008CKWX0045 IN THE AMOUNT OF $310,987 (3:13:25) - Sheriff Furlong introduced this item, and reviewed the agenda report. He congratulated Mayor Teixeira on securing the grant funding. Mayor Teixeira provided background information on the time line associated with the grant funding award. He discussed the anticipation of additional grant funding. He thanked Ms. Bartosz, Sheriff Furlong, Undersheriff Albertson, and everyone involved in Partnership Carson City.

Mayor Teixeira passed the gavel to Supervisor Aldean and **moved to approve acceptance of the U.S. Department of Justice Methamphetamine Initiative Grant #2008CKWX0045 in the amount of $310,987. Supervisor Livermore seconded the motion.** Supervisor Aldean called for public and Board member comments and, when none were forthcoming, a vote on the pending motion. **Motion carried 4-0.**

12. BOARD OF SUPERVISORS NON-ACTION ITEMS:

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - None.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS - None.

STATUS REPORT AND COMMENTS FROM BOARD MEMBERS (3:21:55) - Supervisor Livermore advised that Charter Communications anticipates making its conversion on December 15th. As soon as official information is available, he will ensure that it is provided to the Board members. (3:22:57) Supervisor Williamson announced the Silver and Snowflakes Christmas Tree Lighting ceremony beginning at 5:30 p.m., and the opening of the Arlington Square ice rink. (3:24:02) Supervisor Aldean advised of having worked with the Planning Division to temporarily relax the City's sign ordinance to allow for the extended use of banners. An item will be agendized for the December 18th Board of Supervisors meeting.

STAFF COMMENTS AND STATUS REPORT - None.

13. ACTION TO ADJOURN (3:25:22) - Supervisor Aldean moved to adjourn the meeting at 3:25 p.m. Supervisor Williamson seconded the motion. Motion carried 4-0.

The Minutes of the December 4, 2008 Carson City Board of Supervisors meeting are so approved this 5th day of January, 2009.

_____
ROBERT CROWELL, Mayor

ATTEST:

_____
ALAN GLOVER, Clerk - Recorder