

**CARSON CITY REDEVELOPMENT AUTHORITY**

**Minutes of the April 16, 2009 Meeting**

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A meeting of the Carson City Redevelopment Authority was held during the regularly scheduled Board of Supervisors meeting, on Thursday, April 16, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson Robin Williamson  
Member Shelly Aldean  
Member Robert Crowell  
Member Pete Livermore  
Member Molly Walt

**STAFF:** Alan Glover, Clerk - Recorder  
Andrew Burnham, Public Works Department Director  
Joe McCarthy, Business Development Manager  
Melanie Bruketta, Chief Deputy District Attorney  
Joel Benton, Senior Deputy District Attorney  
Kathleen King, Recording Secretary

**NOTE:** A recording of these proceedings, the Redevelopment Authority's agenda materials, and any written comments or documentation provided to the Clerk during the meeting are public record. These materials are available for review in the Clerk-Recorder's Office during regular business hours.

**20. CALL TO ORDER AND ROLL CALL (9:23:03)** - Chairperson Williamson called the meeting to order at 9:23 a.m. All members of the Redevelopment Authority were present, constituting a quorum.

**21. ACTION ON APPROVAL OF MINUTES - March 19, 2009 (9:23:10)** - Member Aldean moved to approve the minutes, as presented. Member Crowell seconded the motion. Motion carried 5-0.

**22. OFFICE OF BUSINESS DEVELOPMENT - ACTION TO APPROVE AND RECOMMEND TO THE BOARD OF SUPERVISORS CONSENT TO A \$53,520 INCENTIVE REQUEST BY DSE #4, LLC, TO REDEVELOP THE PROPERTY AT 503 NORTH NEVADA STREET, WITH THE REDEVELOPMENT AUTHORITY FINDING THAT THIS PROJECT MEETS THE INCENTIVE PROGRAM CRITERIA AND THE NECESSARY FINDINGS SET FORTH IN NRS 279.486, THAT THE PROJECT BENEFITS THE CURRENT REDEVELOPMENT PLAN AREA, THAT THE PROJECT HAS NO OTHER REASONABLE MEANS OF FINANCING AVAILABLE, THAT THE INCENTIVE WILL BE PAID ON A REIMBURSEMENT BASIS FOR MONEY EXPENDED BY THE APPLICANT ON THE PROJECT, THAT OTHER FINANCING IS AVAILABLE TO PAY FOR THE REMAINING COSTS OF THE PROJECT, THAT THE INCENTIVE IS SUBJECT TO THE APPLICANT FULFILLING CITY REQUIREMENTS, AND THAT THE INCENTIVE IS NOT SUBJECT TO THE TEMPORARY MORATORIUM ON THE EXPENDITURE OF REDEVELOPMENT FUNDS ADOPTED BY THE BOARD OF SUPERVISORS ON FEBRUARY 19, 2009 (9:23:45)** - Chairperson Williamson introduced this item. Business Development Manager Joe McCarthy reviewed the agenda materials, and narrated a PowerPoint presentation of the redevelopment authority incentive program which included photographs of past projects. In response to a question, he was uncertain as to the reason the application was not signed and none of the acknowledgment provisions were initialed at page 4 of the application. Member Aldean recalled a recommendation to include the seven-year declining lien in the acknowledgment provisions. She expressed concern over hearing the subject application without having first finalized the redevelopment incentive program policies and procedures.

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Member Livermore noted the moratorium on redevelopment incentive funding which was passed by the Board on February 19, 2009. In response to a question, Mr. McCarthy advised that Casey, Neilon & Associates representatives approached him late last year to discuss submitting the subject project for redevelopment incentive program funding. He advised said representatives of the ongoing process for developing incentive program policies and procedures, and noted that the process had been drawn out longer than anticipated. He explained that the subject application was submitted under the existing incentive program guidelines, as established in 1995. Member Livermore noted that the moratorium had not yet been lifted, and questioned hearing the application at this meeting.

(9:36:22) In response to a question, Darsi Casey of Casey, Neilon & Associates, advised of having purchased the subject property in November 2008 and of having submitted an application “in the form of a narrative” in January 2009. Member Walt noted that the subject application meets the criteria of curing blight, and that the Redevelopment Authority Citizens Committee (“RACC”) had unanimously voted in favor of allocating incentive program funding. She expressed frustration over the delay associated with implementing the incentive program policies and procedures. Chairperson Williamson expressed similar concerns, and discussed the importance of the City promoting a “business friendly” atmosphere. She expressed concern over businesses being caught in the “bureaucratic whirlwind,” and advised of having been under the impression that the incentive program policies and procedures were going to be implemented on February 19, 2009. She provided an overview of development and subsequent revisions to the incentive program policies and procedures, and expressed the hope that they will finally be adopted at the May 7<sup>th</sup> Board of Supervisors meeting. Member Livermore acknowledged having watched the broadcast of the RACC meeting at which the subject application was reviewed. He read into the record that portion of the applicable statute establishing criteria that “no other reasonable means of financing those buildings, facilities, structures, or other improvements are available,” and suggested that said criteria had not yet been met by the applicant. With all due respect to the application, he advised that he would not participate in any action associated with the subject item due to the existing moratorium on redevelopment incentive program funding.

(9:43:12) Ms. Casey expressed a willingness to speak on behalf of the DSE #4, LLC partners to “every aspect of this application ...” She reiterated that the application was submitted in January, noting this was prior to the moratorium. She expressed frustration at “being caught in the middle of this political quagmire,” and requested to be informed if the incentive program funding is not available.

Member Crowell advised of having received many telephone calls inquiring as to the availability of redevelopment incentive program funding and special events funding. He further advised of having informed potential applicants to hold off until the policies and procedures are adopted. He expressed understanding and regret for the applicants’ concerns, but noted the difficulties associated with allowing one application to go forward. In response to a question, Mr. McCarthy reiterated that the subject application was submitted prior to the moratorium and is the only one “really caught in this limbo situation.” He advised that every attempt will be made by the Office of Business Development to accommodate the Redevelopment Authority’s approval of incentive program policies and procedures at the May 7<sup>th</sup> meeting. He reviewed his responsibilities pertinent to the community’s economic development / redevelopment, and emphasized “there has been no dragging of feet” relative to the Office of Business Development work product. He advised that the subject applicant had the right to present the application based on the guidelines used by the RACC since 1996. In response to a further question, he clarified that Casey, Neilon & Associates filed a preliminary application with the Office of Business Development in January 2009.

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Chairperson Williamson noted Member Livermore's objection to presentation of the application, and requested Ms. Casey to present the application. (9:50:35) Ms. Casey presented the application, copies of which were included in the agenda materials. In response to a previous suggestion, she discussed difficulties associated with postponing a decision on the application until such time as the redevelopment incentive program policies and procedures are adopted. She expressed understanding for the importance of complying with policies and procedures, and reiterated that the subject application was submitted prior to the moratorium being enacted. She expressed the opinion that the applicants were "thrust into the middle of a political issue through no fault of [their] own" while simply "trying to grow [their] business." She reiterated the overcrowded condition of the applicants' existing office, and expressed concern over having to turn away clients if the project doesn't move forward in the very near future. She expressed the belief that the subject application represents a model project for incentive program funding. She reiterated understanding for the "policies and procedures argument," and expressed concern over the Redevelopment Authority hindering growth "in an economic time that is so challenging for everyone." She thanked the Redevelopment Authority for hearing the application. Chairperson Williamson thanked Ms. Casey and commended her presentation.

In response to a question, Ms. Casey advised that the applicants' local banker lowered their lending limits in consideration of the current banking crisis, and has declined to provide financing for the project. At Member Livermore's request, she offered to request from the lender the denial in written form. (9:59:39) In response to a question, Ben Smith, of BSA Construction, described the lap-siding proposed for the project. He responded to further questions regarding Historic Resources Commission approval of the project, and the proposed construction schedule. He described façade, landscape, and hardscape improvements proposed for the project. Member Aldean inquired as to the possibility of phasing the project to accommodate approval of the incentive program policies and procedures at the May 7<sup>th</sup> meeting. She expressed concern over a "huge credibility problem" and public perception associated with the Redevelopment Authority hearing this application during the moratorium. Mr. Smith acknowledged the possibility of phasing the project, but expressed concern over having to adjust the completion date.

Mr. Burnham acknowledged the possibility of adding an item to the May 7<sup>th</sup> Board of Supervisors agenda. Chairperson Williamson inquired as to the possibility of anything so different in the "new, improved policies and procedures" that would prevent allocating incentive program funding to the subject project. She reiterated concern over assuring anyone that the policies and procedures will be approved at the May 7<sup>th</sup> meeting. In response to a comment, Ms. Bruketta advised that the revised incentive program policies and procedures were sent to staff, on March 19<sup>th</sup>, for comments and input. District Attorney's Office staff has received some feedback and is awaiting additional feedback from City officials. In response to a question, Ms. Bruketta advised of not having reviewed the subject application. Mr. McCarthy advised that the new application is similar to the previous. Business Development staff confirmed each and every requirement with the applicant to ensure understanding of the application process and the seven-year declining lien, consistent with existing incentive program guidelines.

With regard to the suggestion of phasing the project, Chairperson Williamson noted past reluctance, on the part of the Redevelopment Authority, to allocate incentive program funding toward projects which have already been started. In reference to Ms. Casey's testimony, Chairperson Williamson further noted that the applicants would make "different purchasing decisions" if the incentive program funding is not available. (10:10:28) Ms. Casey acknowledged the accuracy of the statement. In reference to a displayed photograph, Ms. Casey reviewed project details which are dependent upon incentive program funding.

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At Member Crowell's request, Mr. McCarthy read into the record the "but for" criteria in the application materials, at page 4, "Acknowledgment of Application Provisions." He advised that every applicant is made aware of the statutory requirements for incentive program funding. He reiterated that the criteria relative to curing blight and no other reasonable means of financing have been met by the subject applicant. He provided historic information on the purpose for developing the incentive program. In response to a question, Mr. McCarthy advised of a number of applicants which have not been awarded the full 20% incentive at the RACC level. He expressed the belief that the RACC was supportive of the full 20% incentive for the subject applicant. He expressed the further belief that, over the years, the RACC has been a good forum for review of incentive program projects and to make recommendations to the Redevelopment Authority.

Member Aldean noted that financial information had not been provided as part of the application materials. She expressed concern over this and future applicants being able to demonstrate the necessary financial stability to complete their projects. In response to a question, Mr. McCarthy advised of having inquired of the applicants as to proprietary financial information. He assured the Redevelopment Authority members that staff had reviewed the financial documentation and made the recommendation of approval accordingly. Member Aldean discussed the balance between determining financial stability and funding enhancements. She noted that "the project will move forward with or without [Redevelopment Authority] assistance. The question is ... what do we want the project to look like." She expressed no hesitation over considering additional funding to improve the project's appearance even after it is underway. Member Crowell agreed. Mr. McCarthy acknowledged the importance of determining the viability of a project prior to awarding incentive funding. He further acknowledged that the requested incentive funding will subsidize enhancements to the project, thereby increasing adjacent property values and ensuring the sustainability of downtown revitalization. He requested the Redevelopment Authority to consider not requiring the applicant to return in consideration of the application having been submitted under the existing redevelopment incentive program guidelines. He reviewed successful incentive program projects, including the Andreases' State Farm office and the Bliss Bungalow which are adjacent to the subject property, with recognition to the fact that "it's all about enhancements." He recommended approving the application today under the existing incentive program guidelines.

Senior Deputy District Attorney Joel Benton advised that the application would require a super majority vote of the Redevelopment Authority pursuant to the provisions of NRS 279.628. He responded to questions of clarification. In response to a question, Ms. Bruketta advised against a straw vote of the Redevelopment Authority. Member Livermore advised that he would likely support the application once the incentive program policies and procedures are adopted. He expressed concern over failing to uphold the moratorium enacted at the February 19<sup>th</sup> meeting. Member Walt expressed concern over the possibility of the policies and procedures not being approved at the May 7<sup>th</sup> meeting. In response to a question, Mr. Benton expressed concern over serial communications between the Redevelopment Authority members. In response to a further question, Ms. Bruketta advised that the Redevelopment Authority members could meet individually with staff, who would subsequently convey their comments to the full Redevelopment Authority. She clarified earlier comments regarding an e-mail to the Redevelopment Authority.

Chairperson Williamson expressed support for good ideas and for implementing the vision of the City and the Redevelopment Authority, which has always been to support projects that retain and expand businesses, that bring new business into the community, and that generate additional property and sales taxes. She described the subject project as ideal. She reiterated Ms. Casey's concerns over project delays translating to continued overcrowding and the potential of turning away business. She noted the applicants' willingness to begin the project immediately which would translate to "our own local mini-stimulus

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package.” She expressed the firm belief that the incentive program policies and procedures will not be extraordinarily different from the existing guidelines, and that the subject project would exceed the program criteria. She requested the Redevelopment Authority members to consider the big picture rather than the minutiae. She expressed concern over conveying a message that “procedures are more important than ... investment.” She opened this item to public comment.

(10:31:15) Dave Morgan discussed the opinion that the subject application had not met the “no other reasonable means of financing” criteria.

In response to a question, Mr. Benton advised that the application was not submitted to the District Attorney’s office prior to presentation to the RACC. He further advised that the Redevelopment Authority is the “trier of fact,” with the responsibility of determining sufficient evidence to meet the “but for” test. In response to a question, he expressed the opinion that all the required findings were addressed by “some level of evidence” at the RACC meeting. In response to a further question, he advised that testimony constitutes evidence. He recalled Ms. Casey’s testimony, at the RACC meeting, that the incentive program funding was the only source available for the project. Ms. Casey reiterated a willingness to provide written evidence. Member Livermore reiterated a concern that the application materials do not verify no other means of available financing. Mr. Benton reiterated that the District Attorney’s staff did not review the application prior to the RACC meeting. He further reiterated the requirement for some evidence of no other means of available financing which, in this case, was Ms. Casey’s testimony at the RACC meeting. In response to a further question, he reiterated that the testimony provided supports the “but for” finding.

(10:42:02) John Wagner expressed concerns over the February 19<sup>th</sup> “deadline.” He inquired as to whether the lender would provide any portion of the financing, and expressed concern over whether the project is within the redevelopment district boundary. Mr. McCarthy responded to questions regarding a redevelopment district map which Mr. Wagner displayed. Mr. Benton read into the record a portion of NRS 279.486 relative to allocation of incentive program funding. Chairperson Williamson assured Mr. Wagner that the property is within the redevelopment district. Member Walt and Chairperson Williamson reviewed the downtown redevelopment district boundary for Mr. Wagner’s benefit.

Chairperson Williamson called for additional public comment and, when none was forthcoming, entertained a motion. **Member Walt moved to approve and recommend to the Board of Supervisors consent to a \$53,520 incentive request from DSE #4, LLC to redevelop the property at 503 North Nevada Street, with the redevelopment authority finding that this project meets the incentive program criteria and the necessary findings set forth in NRS 279.486; that the project benefits the current redevelopment plan area; that the project has no other reasonable means of financing available; that the incentive will be paid on a reimbursement basis for money expended by the applicant on the project; that other financing is available to pay for the remaining costs of the project; that the incentive is subject to the applicant fulfilling City requirements; and that the incentive is not subject to the temporary moratorium on the expenditure of redevelopment funds, adopted by the Board of Supervisors on February 19, 2009. Chairperson Williamson seconded the motion.** In response to a question, Mr. Benton advised that reconsideration of the motion would have to be requested by “someone voting on the winning side of the motion.” Chairperson Williamson called for additional discussion and, when none was forthcoming, a vote on the pending motion. **Motion failed 2-3.**

**Member Aldean moved to reconsider this project at the last meeting in May. Member Livermore seconded the motion.** Discussion took place regarding the timing specified in the motion. Mr. McCarthy requested the opportunity to re-agendize the subject application for the May 7<sup>th</sup> meeting following

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presentation and possible approval of the incentive program policies and procedures. **Member Aldean amended her motion to indicate the latest date as the second Board of Supervisors meeting in May. Member Livermore seconded the motion.** Member Aldean clarified the intent of her motion to re-hear the application at either of the May Board of Supervisors meetings depending upon the status of the incentive program policies and procedures. Chairperson Williamson called for a vote on the pending motion; **motion carried 5-0.**

**23. ACTION TO ADJOURN** (10:49:57) - Chairperson Williamson adjourned the meeting at 10:49 a.m.

The Minutes of the April 16, 2009 Carson City Redevelopment Authority meeting are so approved this \_\_\_\_\_ day of May, 2009.

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ROBIN L. WILLIAMSON, Chair

ATTEST:

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ALAN GLOVER, Clerk - Recorder