**CARSON CITY BOARD OF SUPERVISORS**
**Minutes of the November 19, 2009 Meeting**
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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, November 19, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

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

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

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

**1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE** (8:30:00) - Mayor Crowell called the meeting to order at 8:30 a.m. Roll was called; a quorum was present. Seventh Day Adventist Church Pastor Al Tilstra provided the invocation. Fire Chief Stacey Giomi led the pledge of allegiance.

**5. ACTION ON APPROVAL OF MINUTES - October 15, 2009** (8:30:55) - Supervisor Aldean moved to approve the minutes, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

**6. ADOPTION OF AGENDA** (8:31:15) - Mayor Crowell entertained changes to the agenda and, when none were forthcoming, deemed it adopted.

**7. PUBLIC COMMENTS AND DISCUSSION** (8:31:32) - Mayor Crowell entertained public comment; however, none was forthcoming.

**8. CONSENT AGENDA** (8:31:56) - Mayor Crowell entertained requests to hear items separate from the consent agenda. Mr. Werner requested to separately hear item 8-3. Supervisor Aldean requested to separately hear item 8-4(B). Mayor Crowell entertained additional requests and, when none were forthcoming, a motion. **Supervisor Livermore moved approval of the consent agenda, consisting of six items: 8-1, Assessor; two items from Public Works, 8-2(A) and (B); three items from Purchasing and Contracts, 8-4(A), (C) and (D); and item 8-5 from Mayor Crowell, as presented. Supervisor Aldean seconded the motion.** Supervisor Williamson commended Susan Swenson on her service as public guardian, and congratulated Dr. Susan Pintar on her appointment as the new Carson City Health Officer. Supervisor Williamson commended Dr. John Bower's hard work as the former health officer. Mayor Crowell thanked Supervisor Williamson for expressing the sentiments of the entire Board, and called for a vote on the pending motion. **Motion carried 5-0.**

**8-1. ASSESSOR - ACTION TO APPROVE THE REMOVAL OF A PORTION OF THE TAXES AND PENALTIES FROM PARCEL NUMBER 009-051-03 (2443 SOUTH CURRY STREET) FROM THE 2009 / 2010 REAL PROPERTY TAX ROLL, PER NRS 361.060, IN THE AMOUNT OF $1,688.43, PLUS $23.96 IN PENALTIES**

**8-2. PUBLIC WORKS**

**8-2(A) ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE JOOST ASH CANYON CREEK LEASE AGREEMENT**

**8-2(B) ACTION TO RECOMMEND THAT THE NEVADA STATE ENGINEER APPROVE WATER APPLICATION 78948 TO MOVE 32.5 ACRE FEET PER YEAR OF WATER FROM CARSON CITY TO DOUGLAS COUNTY'S WAL-MART WELL**

**8-3. FIRE - ACTION TO APPROVE ACCEPTANCE OF THE STATE EMERGENCY RESPONSE COMMISSION FEDERAL FISCAL YEAR 2010 HAZARD MITIGATION EXERCISE AND PLANNING GRANT IN THE AMOUNT OF $76, 860** (8:46:00) - Mayor Crowell introduced this item. Mr. Werner reviewed the agenda materials and provided background information. He explained the purpose of the item to consider the study, and emphasized that "... neither the Sheriff, nor the Fire Chief, nor myself have pre-concluded what this study will show and this simply is asking for the Board to accept the grant to do the study." Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to approve the acceptance of the State Emergency Response Commission federal fiscal year 2010 Hazard Mitigation Exercise and Planning Grant in the amount of $76,860; the study will determine which options the agencies should pursue to provide quality emergency communication services at the most efficient cost. Supervisor Livermore seconded the motion. Motion carried 5-0.**

**8-4. PURCHASING AND CONTRACTS**

**8-4(A) ACTION TO DETERMINE THAT CONTRACT NO. 0910-115 IS A CONTRACT FOR PROFESSIONAL SERVICES AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 0910-115, FEASIBILITY STUDY FOR REGIONAL DISPATCH CONSOLIDATION, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY GALENA GROUP, INC., THROUGH SEPTEMBER 30, 2010, FOR A NOT-TO-EXCEED COST OF $76,860.00, TO BE FUNDED FROM THE HAZARD MITIGATION, EXERCISE AND PLANNING GRANT, AS PROVIDED IN FY 2009 / 2010**

**8-4(B) ACTION TO DETERMINE THAT CONTRACT NO. 0910-119 IS A CONTRACT FOR THE SERVICES OF A PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR, OR REGISTERED ARCHITECT; THAT THE SELECTION WAS MADE ON THE BASIS OF THE COMPETENCE AND QUALIFICATIONS OF THE ENGINEER, LAND SURVEYOR, OR ARCHITECT FOR THE TYPE OF SERVICES TO BE PERFORMED AND NOT ON THE BASIS OF COMPETITIVE FEES; AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 625.530; AND TO APPROVE CONTRACT NO. 0910-119 WITH AQUA HYDROLOGIC CONSULTING TO PROVIDE ENGINEERING SERVICES FOR THE DRILLING, CONSTRUCTION, AND TESTING OF PRODUCTION WELL NO. 4B THROUGH NOVEMBER 9, 2010, FOR A NOT-TO-EXCEED COST OF $88,154.00 TO BE FUNDED FROM**

**THE WATER FUND ACCOUNT ARRA / WELL #4 PROJECT 520-3505-435-78-80, AS PROVIDED IN FY 2009 / 2010** (8:47:49) - Mayor Crowell introduced this item. Purchasing and Contracts Coordinator Sandy Scott noted a correction to page 4 of the contract to indicate $88,154.00. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to determine that Contract No. 0910-119 is a contract for the services of a professional engineer; that the selection was made on the basis of the competence and qualifications of the engineer for the type of services to be performed and not on the basis of competitive fees and, therefore, not suitable for public bidding, pursuant to NRS 332.115(1)(b) and 625.530, and to approve Contract No. 0910-119 with Aqua Hydrologic Consulting to provide engineering services for the drilling, construction, and testing of production well No. 4B through November 9, 2010 for a not-to-exceed cost of $88,154.00 to be funded from the water fund account ARRA / Well #4 project 520-3505-435-78-80, as provided in fiscal year 2009 / 2010, as amended. Supervisor Livermore seconded the motion. Motion carried 5-0.**

**8-4(C) ACTION TO APPROVE AMENDMENT NO. 1 TO CONTRACT NO. 0809-221 WITH AQUA HYDROLOGIC CONSULTING, TITLED "PROFESSIONAL HYDROGEOLOGIC SERVICES FOR WELL DEVELOPMENT" TO EXPAND THE SCOPE OF WORK AND INCREASE THE CONTRACT IN AN AMOUNT NOT TO EXCEED $105,901.00 FROM THE PRODUCTION WELLS WATER FUND, AS PROVIDED FOR IN FY 2009 / 2010**

**8-4(D) ACTION TO FIND THAT SUSAN PINTAR, M.D. IS QUALIFIED TO SERVE AS THE CARSON CITY HEALTH OFFICER, TO APPOINT SUSAN PINTAR, M.D. AS THE CARSON CITY HEALTH OFFICER, PURSUANT TO CCMC 9.01.030 TO CCMC 9.01.050; TO SET THE COMPENSATION OF THE HEALTH OFFICER AT A NOT-TO-EXCEED AMOUNT OF $18,000.00 PER CALENDAR YEAR, TO BE PAID IN EQUAL MONTHLY PAYMENTS OF $1,500.00 EACH; TO DETERMINE THAT CONTRACT NO. 0910-115 IS A CONTRACT FOR PROFESSIONAL SERVICES AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115; AND TO APPROVE CONTRACT NO. 0910-113, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY SUSAN PINTAR, M.D. AS THE CITY HEALTH OFFICER FOR THE HEALTH AND HUMAN SERVICES DEPARTMENT, THROUGH DECEMBER 31, 2010, FOR A NOT-TO-EXCEED COST OF $18,000.00 PER CALENDAR YEAR TO BE FUNDED FROM THE HEALTH PROFESSIONAL SERVICES FUND, AS PROVIDED IN FY 2009 / 2010**

**8-5. MAYOR CROWELL - ACTION TO APPOINT SUSAN SWENSON AS THE CARSON CITY PUBLIC GUARDIAN FOR A FOUR-YEAR TERM EXPIRING DECEMBER 2013 AT A SALARY EQUIVALENT TO UNC GRADE 23**

**9. RECESS BOARD OF SUPERVISORS** (8:34:17) - Mayor Crowell recessed the Board of Supervisors at 8:34 a.m.

## LIQUOR AND ENTERTAINMENT BOARD

**10. CALL TO ORDER AND ROLL CALL** (8:34:18) - Chairperson Crowell called the Liquor and Entertainment Board to order at 8:34 a.m. Roll was called; a quorum was present, including Member Ken Furlong.

**11. ACTION ON APPROVAL OF MINUTES - October 15, 2009** (8:34:38) - Member Aldean moved to approve the minutes, as presented. Member Livermore seconded the motion. Motion carried 6-0.

**12. PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION - DISCUSSION REGARDING THE SALE OF LIQUOR BY PACPIZZA, LLC DBA PIZZA HUT, LOCATED AT 2441 NORTH CARSON STREET, CARSON CITY, NEVADA, AND POSSIBLE ACTION TO PLACE CONDITIONS ON THE LIQUOR LICENSE** (8:34:58) - Chairperson Crowell introduced this item. Principal Planner Jennifer Pruitt reviewed the agenda materials and provided background information. (8:35:47) PacPizza, LLC District Manager Charles Chucarie introduced himself for the record. In response to a question, he advised of having missed the November 5th hearing "due to miscommunication." He further advised that the Carson City Pizza Hut stopped selling alcohol on November 8th. In response to a question, he explained the circumstances associated with missing the November 5th hearing in that "the original notification was sent to ... our accounting department ... in Wichita, Kansas." He advised of not having been notified until November 8th of the November 5th hearing. He acknowledged having reviewed the original citation. In response to a further question, he advised that Pizza Hut employee orientation includes "a big section" on alcohol servers training. He further advised of never having "this problem in the last seven or eight years." "After we got caught, we sent everybody through the training with the Sheriff's Department. They all have been certified. Our company appointed someone that, on a monthly basis, ... will set up the restaurant to see if they are selling any alcohol to any minors. And if they do, the manager will be replaced."

Chairperson Crowell noted the seriousness of the situation, and Mr. Chucarie acknowledged the same. Chairperson Crowell commended Mr. Chucarie for "taking the strong action to shut down the sale of alcohol" until such time as the hearing was resolved. Member Furlong advised of having communicated with Mr. Chucarie, and that a check was done to verify the alcohol sales were suspended. He advised of having talked with Mr. Chucarie, prior to the November 5th board meeting, regarding the Pizza Hut alcohol servers program. Member Furlong acknowledged that Pizza Hut has an "aggressive program," and agreed that it had been "allowed to lapse, probably under the assumption that everything was going fine."

In response to a question, Member Furlong was uncertain as to whether any of the Pizza Hut employees had completed the Sheriff's Office alcohol servers training program. Mr. Chucarie advised of having proof of completion. Supervisor Livermore expressed the hope that Pizza Hut employees will attend the Sheriff's Office alcohol servers training, and that management will work with the Sheriff's Office to ensure the Pizza Hut enforcement program is "within the guidelines that the Sheriff's Department okays." Mr. Chucarie advised that 18 employees attended the last class. In response to a further question, he advised that employee orientation is conducted "at the local level and then, at the first opportunity, we send them to the class with the Sheriff's Department." In response to a further question, Mr. Chucarie advised of having completed an application to serve as the liquor manager. "Everything is completed with a $500 check," and he advised of the intent to submit it today. He acknowledged that the contact information has been updated. Member Williamson noted the progressive penalties associated with each citation, pursuant to the provisions of the Carson City Municipal Code. She cautioned Mr. Chucarie that the Pizza Hut establishment will likely be checked within the next 30 to 60 days, and encouraged him to convey to his employees the seriousness of the matter. Mr. Chucarie assured the board that Pizza Hut will ensure no part in any accident or death of a minor "due to our sales."

Chairperson Crowell entertained public comment; however, none was forthcoming. He provided an overview of the current status of this matter. In response to a question, Mr. Chucarie advised that alcohol sales will resume as soon as the server training is complete. Discussion took place regarding the current status of the Pizza Hut liquor license, and Business License Technician Lena Tripp confirmed its validity under Pacpizza, LLC.

**13. ACTION TO ADJOURN THE LIQUOR AND ENTERTAINMENT BOARD** (8:45:42) - Member Aldean moved to adjourn the Liquor and Entertainment Board. Member Williamson seconded the motion. Motion carried 6-0.

**14. RECONVENE BOARD OF SUPERVISORS** (8:45:50) - Mayor Crowell reconvened the Board of Supervisors.

## ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

**15. ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME** (8:45:54) - Please see the minutes for consent agenda items 8-3 and 8-4(B).

**16. CARSON WATER SUBCONSERVANCY DISTRICT - PRESENTATION AND UPDATE ON CARSON RIVER WATERSHED REGIONAL ACTIVITIES BY GENERAL MANAGER ED JAMES AND WATER PROGRAM MANAGER GENIE AZAD** (8:50:50) - Mayor Crowell introduced this item. Carson Water Subconservancy District General Manager Ed James introduced Watershed Program Coordinator Genie Azad, provided background information on the presentation, and narrated the same. He responded to questions of clarification relative to the presentation. Ms. Azad narrated that portion of the PowerPoint presentation relative to the Carson River Coalition.

Supervisor Livermore commended the CWSD staff on the "huge amount of effort and work accomplished," and provided background information on the Northern Nevada Water Authority. He commended Mr. James and Ms. Azad on their presentation, and Mr. Werner and Public Works Department staff on their resource management. In response to a question, Ms. Azad advised that 30,000 acres in Douglas County have been "put under either land acquisitions or conservation easements so they ... do have a great database." She explained that not all land owners are interested in conservation easements due to their perpetual nature. She described flood-plain leasing programs developed in other parts of the country, and explained the necessity to assign value. Supervisor Williamson commended the presentation, which "basically highlights the good partnership and cooperation that the Subconservancy has managed to develop among all of the partners." She noted the Marlette water system improvements for which the CWSD was instrumental in securing grant funding, the new partnership with Douglas County, and the partnership within Douglas County among the water purveyors to help facilitate the water line from Douglas County to Carson City.

Mayor Crowell entertained public comment. (9:35:19) John Wagner discussed the importance of the public being more proactive about raking leaves out of the sidewalk gutters.

In response to a question, Public Works Department Director Andrew Burnham discussed the status of watershed management projects at the top of Kings Canyon, following the Waterfall Fire. He advised that the U.S. Department of Agriculture has annually allocated funding for the projects. Mayor Crowell thanked Mr. James and Ms. Azad for their attendance and excellent presentation.

**17. PUBLIC WORKS DEPARTMENT PLANNING AND ZONING DIVISION - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, TO MODIFY THE DEFINITION OF "ANIMALS AND FOWL," AND OTHER MATTERS PROPERLY RELATED THERETO** (9:39:07) - Mayor Crowell introduced this item, and Planning Division Director Lee Plemel reviewed the agenda materials. In response to a question, he advised that the Planning Commission had unanimously recommended approval. In response to a further question, he explained that the ordinance refers regulations for animals and fowl to Title 7. He responded to additional questions of clarification regarding the language of the ordinance. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to introduce, on first reading, Bill No. 128, an ordinance amending Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words and Terms Defined, to modify the definition of "Animals and Fowl," and other matters properly related thereto. Supervisor Walt seconded the motion. Motion carried 5-0.**

**18. RECESS BOARD OF SUPERVISORS** (9:46:09) - Mayor Crowell recessed the meeting at 9:46 a.m.

## REDEVELOPMENT AUTHORITY

**19. CALL TO ORDER AND ROLL CALL** (9:52:38) - Chairperson Williamson called the Redevelopment Authority to order at 9:52 a.m., noting the presence of a quorum.

**20. ACTION ON APPROVAL OF MINUTES - October 15, 2009** (9:52:44) - Vice Chairperson Aldean moved to approve the minutes, as presented. Member Crowell seconded the motion. Motion carried 5-0.

**21. OFFICE OF BUSINESS DEVELOPMENT**

**21(A) ACTION TO APPROVE AND RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE EXPENDITURE OF $1,500 FROM THE REVOLVING FUND FOR THE REDEVELOPMENT AUTHORITY TO SUPPORT THE SIERRA NEVADA BALLET'S CHRISTMAS PEANUTCRACKER, AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN WHICH HAS BEEN ADOPTED BY THE CARSON CITY BOARD OF SUPERVISORS, AND BASED UPON THE FINDINGS THAT THERE IS A CAUSAL CONNECTION BETWEEN THIS REDEVELOPMENT EFFORT AND THE NEED FOR THE EXPENSES; THE EXPENSES ARE NEEDED TO ENSURE THE SUCCESS OF THE REDEVELOPMENT PLAN, AND THAT THE AMOUNT OF THE EXPENSES ARE MINOR IN COMPARISON TO THE MONEY REQUIRED FOR THE OVERALL REDEVELOPMENT PLAN** (9:53:22) - Business Development Manager Joe McCarthy reviewed the agenda report, and provided historic information on the first presentation of the Peanutcracker. Member Livermore advised of having been contacted by arts organization representatives inquiring as to an application process for redevelopment

funding. He recalled a discussion with Mr. McCarthy and Cultural Commission Chair Peter Barton regarding the possibility of the Cultural Commission "being the funding source of these type of performances." He expressed concern over "how others get access to ... support in some form." Mr. McCarthy commended the suggestion, and expressed the hope that the Redevelopment Authority Citizens Committee ("RACC"), "working with staff can put those specific procedures together." Member Livermore expressed concern over the subject and subsequent item "showing bias." He expressed support for arts and culture to be funded, and concern over a fair and equitable process. Mr. McCarthy acknowledged the need for a "more formalized and fair way of distributing the limited funds that we have." He reiterated the intent to "bridge that between what we have in place now to get to that more formalized mechanism." He suggested the RACC may also consider the Cultural Commission as the most appropriate review authority.

Chairperson Williamson provided background information on development of the Redevelopment Authority policies and procedures. She explained that special events funding was "left to the Redevelopment Authority to determine." She noted the subject application for funding and that presented as part of item 21(B), and advised of sufficient funding in the Redevelopment Authority budget to cover both applications. She emphasized there was no intent to "shortchange anyone and anyone who's interested after viewing whatever action happens today and might want to participate can certainly contact and go through the existing policies and procedures ... which would start with the Office of Business Development." She introduced Sierra Nevada Ballet Director Rosine Bena.

(10:02:56) Ms. Bena expressed appreciation for the past support of the Redevelopment Authority, and gratitude for the opportunity to present the subject application. She provided background information on her experience as a professional ballerina, on Sierra Nevada Ballet, and on the Peanutcracker. She reviewed the application materials included in the agenda packets, and discussed the purpose of the Peanutcracker to draw people to downtown. She advised that the performances are scheduled for Saturday, December 5th at 2:30 p.m. and 7:30 p.m.

Vice Chairperson Aldean inquired as to whether the venue rental fee was intended to be waived. Mr. McCarthy stated, "In the past, we have always treated it as a redevelopment project and ... the space cost has been waived." Mr. Werner acknowledged that the recently approved Redevelopment Authority policies and procedures precluded waiver of venue fees. Mr. McCarthy advised that waiver of the venue fee has been "consistently done year after year." In response to a further question, Community Center Operations Supervisor Mitch Ames explained that the Redevelopment Authority has paid the rental fee of the Community Center theater subject to a previously-approved 50 percent discount provided to non-profit community organizations. "We bill the Redevelopment Authority for our standard fees and charges with the discount." Mr. Ames advised that the 2007 fee was $967 and the 2008 fee was $1,413. He explained the fluctuation in fees based on "how much time the folks use in equipment and material." Vice Chairperson Aldean acknowledged that "time is of the essence," but expressed a preference to be faithful to the Redevelopment Authority policies and procedures. Following a brief discussion, Mr. Werner advised that the matter of the venue fee would have to be reagendized for the December 3rd Board of Supervisors meeting. Member Livermore thanked Vice Chairperson Aldean for pointing out the matter of the venue fee, and suggested "that's probably going to create further disproportion ..."

Ms. Bena provided additional background information on the relocation of the Peanutcracker performances from out-of-doors in downtown Carson City to the Community Center theater. "We started this as a Carson City event. ... Unfortunately, the weather did not cooperate with us so we couldn't keep it outside, though we wanted to do that." Ms. Bena expressed support for people coming to downtown Carson City.

Chairperson Williamson entertained public comment and, when none was forthcoming, a motion. A brief discussion took place with regard to the appropriate action. **Vice Chairperson Aldean moved to approve and recommend to the Board of Supervisors approval of the expenditure of $1,500 from the revolving fund for the Redevelopment Authority to support the Sierra Nevada Ballet's Christmas Peanutcracker as an expense incidental to carrying out the redevelopment plan which has been adopted by the Carson City Board of Supervisors, and based upon the findings that there is a causal connection between this redevelopment effort and the need for the expenses; the expenses are needed to ensure the success of the redevelopment plan and the amount of the expenses to be given are minor in comparison to the money required for the overall redevelopment plan; fiscal impact $1,500 which has been budgeted to support the production and the success of the event. Member Walt seconded the motion. Motion carried 4-0-1, Member Livermore abstaining.** Member Livermore explained the purpose of his abstention to be "fair to all the arts and culture."

**21(B) ACTION TO APPROVE AND RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE EXPENDITURE OF $3,000 FROM THE REVOLVING FUND FOR THE REDEVELOPMENT AUTHORITY TO SUPPORT THE PINKERTON BALLET THEATRE'S ANNUAL NUTCRACKER BALLET, AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN WHICH HAS BEEN ADOPTED BY THE CARSON CITY BOARD OF SUPERVISORS AND BASED UPON THE FINDINGS THAT THERE IS A CAUSAL CONNECTION BETWEEN THIS REDEVELOPMENT EFFORT AND THE NEED FOR THE EXPENSES; THE EXPENSES ARE NEEDED TO ENSURE THE SUCCESS OF THE REDEVELOPMENT PLAN AND THAT THE AMOUNT OF THE EXPENSES ARE MINOR IN COMPARISON TO THE MONEY REQUIRED FOR THE OVERALL REDEVELOPMENT PLAN** (10:14:29) - Chairperson Williamson introduced this item, and Mr. McCarthy introduced Pinkerton Ballet Theatre Board of Directors Vice President Denise Gillott. Member Walt advised of a conflict due to her position as Pinkerton Ballet Theatre Board of Directors President, and left the meeting room.

(10:15:27) Ms. Gillott thanked the Redevelopment Authority for the opportunity, and provided background information on Pinkerton Ballet Theatre's 21-year history presenting the Nutcracker Ballet in Carson City. She reviewed the application materials included in the agenda packets, and discussed Pinkerton Ballet Theatre's extensive efforts to localize production expenses. She introduced Nutcracker dancers, who were present in the audience, and requested the Redevelopment Authority's consideration.

In response to a question, Mr. McCarthy advised that sufficient funding is available in the revolving fund to cover the requested expenses. Vice Chairperson Aldean requested Mr. McCarthy to provide a "running total" of the redevelopment revolving fund. In response to a question, Mr. McCarthy was unable to recall having been approached by any group which he discouraged from applying for redevelopment funding. In response to a further question, Mr. McCarthy explained the reason for the RACC's recommendation to increase the application funding from $1,500 to $3,000. Ms. Gillott acknowledged the accuracy of Mr. McCarthy's explanation.

Chairperson Williamson entertained public comment; however, none was forthcoming. In response to a question, Ms. Bruketta advised that the super majority requirement was pertinent to the corresponding Board of Supervisors item. She acknowledged that the Board of Supervisors item would require four affirmative votes in order to pass. Member Livermore advised it was not his intent to abstain in order to defeat either of the items. In reference to earlier discussion, Ms. Bruketta advised that designating the Cultural Commission as the reviewing authority would have to be carefully considered "because only this board has the authority to make the findings that the Redevelopment Authority money is being used ... to support the Redevelopment ... Plan." In response to a question, she recommended that the Cultural Commission would need to submit an application to the Redevelopment Authority "like all other non-profits, but it would not be Redevelopment Authority money." A brief discussion followed, and Member Livermore expressed concern over "confusion within the community" in consideration of the community service grant process. Ms. Bruketta noted the application time frames included in the Redevelopment Authority policies and procedures.

Chairperson Williamson entertained a motion. **Vice Chairperson Aldean moved to approve and recommend to the Board of Supervisors approval of the expenditure of $3,000 from the revolving fund for the Redevelopment Authority to support the Pinkerton Ballet Theatre's annual Nutcracker ballet as an expense incidental to carrying out the redevelopment plan which has been adopted by the Carson City Board of Supervisors, and based upon the findings that there is a causal connection between this redevelopment effort and the need for the expenses; the expenses are needed to ensure the success of the redevelopment plan and the amount of the expenses to be given is minor in comparison to the money required for the overall redevelopment plan; and there is money in the revolving fund to support this activity. Member Crowell seconded the motion. Motion carried 3-0-1, Member Livermore abstaining.** Ms. Gillott thanked the Redevelopment Authority.

**22. ACTION TO ADJOURN THE REDEVELOPMENT AUTHORITY** (10:26:53) - Chairperson Williamson adjourned the Redevelopment Authority at 10:26 a.m.

**23. RECONVENE BOARD OF SUPERVISORS** (10:27:13) - Mayor Crowell reconvened the Board of Supervisors.

**24. OFFICE OF BUSINESS DEVELOPMENT**

**24(A) ACTION TO ADOPT A RESOLUTION AUTHORIZING THE EXPENDITURE OF $1,500 FROM THE REVOLVING FUND FOR THE REDEVELOPMENT AUTHORITY TO SUPPORT THE SIERRA NEVADA BALLET'S CHRISTMAS PEANUTCRACKER, AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN, WHICH HAS BEEN ADOPTED BY THE CARSON CITY BOARD OF SUPERVISORS, AND BASED UPON THE FINDINGS THAT THERE IS A CAUSAL CONNECTION BETWEEN THIS REDEVELOPMENT EFFORT AND THE NEED FOR THE EXPENSES; THE EXPENSES ARE NEEDED TO ENSURE THE SUCCESS OF THE REDEVELOPMENT PLAN AND THAT THE AMOUNT OF THE EXPENSES ARE MINOR IN COMPARISON TO THE MONEY REQUIRED FOR THE OVERALL REDEVELOPMENT PLAN** (10:27:16) - Mayor Crowell introduced this item, and noted the corresponding item just heard as part of the Redevelopment Authority agenda. Supervisor Walt stated "just because now this does become a super majority vote and, by me recusing myself, with one abstention the Pinkerton Nutcracker that has been self-sustaining for 20 years will not get the $3,000 that they've asked for. I feel as if, by sitting here in this position right now, it is not to the best interests

of Pinkerton. I feel that this is an unfair process, but I have been advised by the D.A., because I do not want to recuse myself from this vote because by me voting on this super majority would pass because of the one abstention." Supervisor Walt further stated that Pinkerton Ballet Theatre "didn't know that these funds were available ... But what did we do? We went out. We researched ... what grants were available. We researched what other companies were doing, what other ... ballet companies were doing and how they got themselves funded because ... the money that we are asking for is just going to help subsidize the payment for the Community Center because we do use the Community Center for an entire week. Three, two-and-a-half hour productions and we start the Community Center on Monday and we will pay for that until Sunday." Supervisor Walt was uncertain as to what action to take "because this is very, very unfair right now because of [her] position here is going to stop ... 45 children from getting the funding. It's not going to stop the production. We will continue to fund raise. We will continue to go out for grants but because we looked for further assistance, we found it, we applied for it and we went for it. I'm sorry that the one individual or the group that Supervisor Livermore is speaking about did not at this time, but it doesn't say that they can't."

Mayor Crowell entertained public comment; however, none was forthcoming. Mr. McCarthy stated that the Redevelopment Authority policies and procedures are very clear and the "applications for funding are to come directly to the Redevelopment Authority and, for all intents and purposes, both these applicants have recognized that they needed to be able to present ... why they felt it was justified to get this kind of underwriting support." He expressed the opinion that the applicants "have done everything they could do to be transparent and fair within the process ... established." Mayor Crowell called again for public comment and, when none was forthcoming, reiterated that the subject item was previously heard by the Redevelopment Authority. **Supervisor Williamson moved to adopt Resolution No. 2009-R-64, authorizing the expenditure of $1,500 from the revolving fund for the Redevelopment Authority to support the Sierra Nevada Ballet's Christmas Peanutcracker as an expense incidental to carrying out the redevelopment plan which has been adopted by the Carson City Board of Supervisors, and based upon the findings that there is a causal connection between this redevelopment effort and the need for the expenses; the expenses are needed to ensure the success of the redevelopment plan and that the amount of the expenses to be given is minor in comparison to the money required for the overall redevelopment plan. Supervisor Aldean seconded the motion. Motion carried 4-0-1, Supervisor Livermore abstaining.**

**24(B) ACTION TO ADOPT A RESOLUTION AUTHORIZING THE EXPENDITURE OF $3,000 FROM THE REVOLVING FUND FOR THE REDEVELOPMENT AUTHORITY TO SUPPORT THE PINKERTON BALLET THEATRE'S ANNUAL NUTCRACKER BALLET, AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN, WHICH HAS BEEN ADOPTED BY THE CARSON CITY BOARD OF SUPERVISORS, AND BASED UPON THE FINDINGS THAT THERE IS A CAUSAL CONNECTION BETWEEN THIS REDEVELOPMENT EFFORT AND THE NEED FOR THE EXPENSES; THE EXPENSES ARE NEEDED TO ENSURE THE SUCCESS OF THE REDEVELOPMENT PLAN AND THAT THE AMOUNT OF THE EXPENSES ARE MINOR IN COMPARISON TO THE MONEY REQUIRED FOR THE OVERALL REDEVELOPMENT PLAN** (10:32:58) - Mayor Crowell introduced this item, noting it had been previously heard as part of the Redevelopment Authority agenda, and suggested incorporating the previously-provided testimony. Supervisor Walt advised she would recuse herself from this item due to her position as Pinkerton Ballet Theatre Board of Directors President, and stepped from the meeting dais. Supervisor Williamson noted that Supervisor Walt does not financially benefit from the

funding allocation. In response to a question, Ms. Bruketta explained that, as President of the Pinkerton Ballet Theatre, Supervisor Walt is essentially the applicant.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. Supervisor Aldean expressed understanding for Supervisor Livermore's concerns, but the opinion "that there's a way of developing a process that will enable us to deal with these issues in the future." She expressed concern over the appropriateness of "penalizing applicants who have ... followed the existing process." She acknowledged the likelihood that other organizations will be equally interested in applying to the Redevelopment Authority for "this sort of support." She noted the importance of being "mindful of the fact that we have an applicant ... who has made an application in good faith and we should be acting accordingly. **Supervisor Aldean moved to adopt a resolution authorizing the expenditure of $3,000 from the revolving fund of the Redevelopment Authority to support the Pinkerton Ballet Theatre's annual Nutcracker ballet as an expense incidental to carrying out the redevelopment plan which has been adopted by the Carson City Board of Supervisors, and based upon the findings that there is a causal connection between this redevelopment effort and the need for the expenses; the expenses are needed to ensure the success of the redevelopment plan and the amount of the expenses to be given is minor in comparison to the money received for the overall redevelopment plan. Supervisor Williamson seconded the motion and noted the Resolution No. 2009-R-65.** Supervisor Livermore expressed appreciation for Supervisor Aldean's comments, and concern that "it's an opening of the door and, at this late time, it might be unfair for me to close it at this point." He expressed an interest in additional discussion regarding the method by which to benefit all the arts and culture organizations that provide service to the community. Mayor Crowell called for a vote on the pending motion; **motion carried 4-0-1, Supervisor Walt abstaining.**

**25. CITY MANAGER - REVIEW OF THE CARSON CITY OPERATIONS SCORECARD AND REPORTING OF MEASURES AND INFORMATION AFFECTING THE 2009 / 2010 BUSINESS PLAN** (10:36:52) - Mr. Werner introduced and provided background information on this item. Special Projects Coordinator Linda Ritter narrated a presentation of the operations scorecard, based on the Board's goals and objectives adopted at the March 6, 2009 workshop. She and Mr. Werner responded to questions of clarification and brief discussions took place throughout the presentation. Mr. Werner requested the Board members to contact him or Ms. Ritter with requests to include additional information. Supervisor Aldean requested Mr. Werner to include revisions to "project complexions" in the project summaries. She advised that the Roop Street Widening Project is "pending ... a reasonable estimate." In response to a question, Ms. Ritter provided a status report on development of operations scorecards for City departments. Mayor Crowell thanked Ms. Ritter for her presentation.

**26. BOARD OF SUPERVISORS NON-ACTION ITEMS:**

**INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS**

**CORRESPONDENCE TO THE BOARD OF SUPERVISORS**

**STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS** (11:05:06) - Supervisor Williamson announced that the Arlington Square Ice Rink will open at 3:00 p.m. on Thursday, November 26th, and that the Silver and Snowflakes Christmas Tree lighting ceremony is scheduled for 5:30 p.m. on Thursday, December 3rd. She encouraged participation in these events. She discussed her visit to the

arsenic treatment plant yesterday, and described its operation. Supervisor Walt congratulated the Carson Senators football team on their successful season, and commended Head Coach Blair Roman and his staff. She announced the Turkey Trot fun run scheduled for Thanksgiving Day.

**STAFF COMMENTS AND STATUS REPORT**

**27. ACTION TO ADJOURN** (11:08:03) - Supervisor Aldean moved to adjourn the meeting at 11:08 a.m. Supervisor Livermore seconded the motion. Motion carried 5-0.

The Minutes of the November 19, 2009 Carson City Board of Supervisors meeting are so approved this 17th day of December, 2009.

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ROBERT L. CROWELL, Mayor

ATTEST:

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ALAN GLOVER, Clerk - Recorder