

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 1

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

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

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

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

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

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

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

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

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

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 2

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

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

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

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

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

8-2. CITY MANAGER

8-2(A) ACTION TO APPOINT TWO MEMBERS TO THE REGIONAL TRANSPORTATION COMMISSION TO FILL TWO-YEAR TERMS TO EXPIRE DECEMBER 31, 2011 (9:15:12) - Mayor Crowell introduced this item. Supervisor Aldean advised of having “encouraged one of the applicants to reapply.” She commended the Regional Transportation Commissioners and expressed appreciation for the opportunity to work with both Russ Carpenter and Charles Des Jardins. She noted that Mayor Crowell is an official member of the Regional Transportation Commission, and requested staff to add his name to the membership roster. Mayor Crowell commended Mr. Carpenter and Mr. Des Jardins on their “excellent job,” and Supervisor Aldean on her chairmanship. Supervisor Aldean commended the Regional Transportation Commission staff, and **moved to re-appoint Russell Carpenter and Charles Des Jardins to the Regional Transportation Commission for two-year terms, ending December 31, 2011. Supervisor Livermore seconded the motion.** Mayor Crowell entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0.** Mayor Crowell thanked all the citizen advisory committee members for their volunteer efforts.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 3

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

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

LIQUOR AND ENTERTAINMENT BOARD

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

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

12. PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION

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

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

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

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 4

12(C) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-23477, HELD BY BDESH, INC. DBA EAGLE GAS, LOCATED AT 1360 SOUTH CARSON STREET, PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE RELATED TO THE SALE OF LIQUOR AT THE LICENSED PREMISES; THIS ACTION MAY INCLUDE THE IMPOSITION OF A FINE OF UP TO \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR ATTEND THE SHERIFF'S OFFICE ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING (8:53:49) - Chairperson Crowell introduced this item, and Ms. Pruitt reviewed the agenda materials. Ms. Pruitt noted a correction to the recommended action, as follows: "This action will include the imposition of a fine of \$500 on the licensee and the requirement that the licensee and all employees selling, dispensing, or serving liquor attend the Sheriff's Office alcohol servers training program within three months of this hearing."

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

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

Ms. Tripp responded to questions of clarification regarding the recommended board action. Chairperson Crowell entertained a motion. **Member Aldean moved to impose disciplinary action against liquor license no. 10-23477 held by BDESH, Inc. dba Eagle Gas, located at 1360 South Carson Street, pursuant to CCMC 4.13.150; this disciplinary action is based on the issuance of a citation for a second offense criminal statute violation within six months of the first citation issuance related to the sale of liquor at the licensed premises; this action shall include the imposition of a fine of \$500 on the licensee and the requirement that the licensee and all employees selling, dispensing, or serving alcohol**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 5

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

12(D) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-24025, HELD BY ALVARO BRITO DBA SAN MARCOS GRILL, LOCATED AT 260 EAST WINNIE LANE, PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE RELATED TO THE SALE OF LIQUOR AT THE LICENSED PREMISES; THIS ACTION MAY INCLUDE THE IMPOSITION OF A FINE OF UP TO \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR ATTEND THE SHERIFF'S OFFICE ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING (9:04:18) - Chairperson Crowell introduced this item, and Ms. Pruitt reviewed the agenda materials. Ms. Pruitt noted the citation giving rise to this hearing was the second issued in a six-month period, but the third issued this year. Chairperson Crowell commended the restaurant, but expressed concern over the frequency of violations.

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

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

Chairperson Crowell entertained a motion. **Member Aldean moved to impose disciplinary action against liquor license no. 10-24025 held by Alvaro Brito dba San Marcos Grill, located at 260 East Winnie Lane, pursuant to CCMC 4.13.150; this disciplinary action is based on the issuance of a citation for a second offense criminal statute violation within six months of the last citation issuance related to the sale of liquor at the licensed premises; this action shall include the imposition of a \$500 fine on the licensee and the requirement that the licensee and all employees selling, dispensing, or serving liquor attend the Sheriff's Office alcohol servers training program within three months of this hearing. Member Williamson seconded the motion.** Chairperson Crowell entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 6-0.**

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

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 6

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

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

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

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

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

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 7

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

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

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

REDEVELOPMENT AUTHORITY

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

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

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

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 8

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

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

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

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

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

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 9

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

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

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

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

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

CARSON CITY BOARD OF SUPERVISORS
Minutes of the December 3, 2009 Meeting
Page 10

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

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

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

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

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

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 11

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

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

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

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

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 12

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

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

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

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

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 13

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

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

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

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

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

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 14

27. PURCHASING AND CONTRACTS

27(A) ACTION TO DETERMINE THAT CONTRACT NO. 0910-121 IS A CONTRACT FOR THE SERVICES OF A PROFESSIONAL ENGINEER; THAT THE SELECTION WAS MADE ON THE BASIS OF THE COMPETENCE AND QUALIFICATIONS OF THE ENGINEER FOR THE TYPE OF SERVICES TO BE PERFORMED AND NOT ON THE BASIS OF COMPETITIVE FEES AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 625.530; AND TO APPROVE CONTRACT NO. 0910-121 WITH BLACK AND VEATCH CORPORATION TO PROVIDE ON-CALL WATER SYSTEM PROFESSIONAL SERVICES THROUGH DECEMBER 3, 2010, WITH THE OPTION TO AUTOMATICALLY RENEW FOR ONE YEAR, FOR A NOT-TO-EXCEED COST OF \$200,000.00, TO BE FUNDED FROM THE WATER FUND ACCOUNT PROFESSIONAL SERVICES AND VARIOUS WATER CAPITAL PROJECT ACCOUNTS, AS PROVIDED IN FY 2009 / 2010 (10:53:40) - Mayor Crowell introduced this item. Public Works Department Director Andrew Burnham reviewed the agenda report, and explained the need for contracting the service. He noted the not-to-exceed cost of \$200,000. In response to a question, Deputy Public Works Director Ken Arnold advised of the possibility of task-order components which may correspond to some American Recovery and Reinvestment Act ("ARRA") funding. He acknowledged that the contract work is for a project which has been allocated ARRA funding. Supervisor Aldean noted a necessary correction to the contract termination date at Section 7.2.1.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to determine that Contract No. 0910-121 is a contract for the services of a professional engineer; that the selection was made on the basis of the competence and qualifications of the engineer for the type of services to be performed and not on the basis of competitive fees and, therefore, not suitable for public bidding, pursuant to NRS 625.530; and to approve Contract No. 0910-121 with Black and Veatch Corporation to provide on-call water system professional services through December 3, 2010, with the option to automatically renew for one year, for a not-to-exceed cost of \$200,000.00, to be funded from the water fund account professional services and various water capital projects, as provided in FY 2009 / 2010, with corrections as identified by Supervisor Aldean. Supervisor Aldean seconded the motion. Motion carried 5-0.** Mayor Crowell recessed the meeting at 11:00 a.m. and reconvened at 11:10 a.m.

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

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 15

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

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

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

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

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

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

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 3, 2009 Meeting

Page 16

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

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

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

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

31. BOARD OF SUPERVISORS NON-ACTION ITEMS:

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

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

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

STAFF COMMENTS AND STATUS REPORT

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

The Minutes of the December 3, 2009 Carson City Board of Supervisors meeting are so approved this 7th day of January, 2010.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder