

# CARSON CITY BOARD OF SUPERVISORS

## Minutes of the December 6, 2018 Meeting

### Page 1

A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, December 6, 2018 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Mayor Robert Crowell  
Supervisor Karen Abowd, Ward 1  
Supervisor Brad Bonkowski, Ward 2  
Supervisor Lori Bagwell, Ward 3  
Supervisor John Barrette, Ward 4

**STAFF:** Nancy Paulson, City Manager  
Sue Merriwether, Clerk - Recorder  
Adriana Fralick, Deputy City Manager  
Dan Yu, Chief Deputy District Attorney  
Kathleen King, Chief Deputy Clerk

**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**  
(8:31:18) - Mayor Crowell called the meeting to order at 8:31 a.m. Ms. Merriwether called the roll; a quorum was present. Calvary Chapel Pastor Pat Propster provided the invocation. At Mayor Crowell's request, Business Development Manager Valerie Cauhape led the Pledge of Allegiance.

**5. PUBLIC COMMENT** (8:35:53) - Mayor Crowell entertained public comment. (8:35:55) Mark Kimbrough provided an overview of this year's Eastern Sierra Trail Coalition Conference.

(8:41:23) South Carson Complete Streets Project Manager Tom Grundy announced a public meeting to be held at 4:30 p.m. on Tuesday, December 11<sup>th</sup> in the Sheriff's Office Ormsby Room.

(8:42:26) Lisa Taylor introduced herself as the new University of Nevada Cooperative Extension Educator. She expressed appreciation for the opportunity and for the Board's support. Ms. Taylor responded to questions regarding her background and experience.

(8:44:02) John Shea, of C&S Waste Solutions, advised of having attended the November 1<sup>st</sup> Board of Supervisors meeting and provided an overview of the proceedings. He advised of "legal concerns with what happened at that November 1<sup>st</sup> meeting. ... Our attorney has covered those in previous letters, including the letter today that is part of the public comment ...

"This process began over a year ago when this Board made a commitment to modernize the City's solid waste management recycling services and the system for this community. It started with hiring a qualified consultant to initiate and administer the RFP process. Subsequently, a survey was developed, was distributed to the community. That was followed by five public meetings to seek input from the community members. During a meeting in April, the Supervisors' staff consultant and public spent considerable time discussing and evaluating the results of those surveys and of those public meetings and took additional input and, finally in June, the Board consolidated that data, discussed and finalized the RFP document. For

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 2**

the next four months, the proposals were developed, submitted, evaluated, scored, and finally presented to this Board to select the vendor with which to commence negotiations. At the end of a year's work, the completion of a thorough, arduous RFP process, this Board did not get to select the vendor of their choosing. This is not how this process should conclude or how a long-term commitment to a service provider should begin.

"I'm here today to let the Board know that C&S is and remains committed to the citizens, the businesses of Carson City and to this RFP process. We are confident that we bring the best value and that we are the best long-term partner for this community. My request to you is simple: place an item on the next agenda to negotiate with C&S which any member of this Board can request. There is no reason the City can't negotiate with multiple vendors. All we want and all we've ever wanted is a fair chance at consideration. We believe that fair chance was taken from us when the Board was told not to vote on the motion to proceed with C&S. We ask that you give us that chance back."

Mayor Crowell entertained additional public comment. (8:48:06) Waste Management Communications Specialist Kendra Kostecky read a prepared statement into the record, a copy of which was provided to the Clerk. Mayor Crowell entertained additional public comment; however, none was forthcoming.

**6. POSSIBLE ACTION ON APPROVAL OF MINUTES - November 1, 2018 (8:50:53) - Mayor Crowell introduced this item, and entertained a motion. Supervisor Bonkowski moved to approve the minutes, as presented. Supervisor Bagwell seconded the motion. Motion carried 5-0.**

**7. POSSIBLE ACTION ON ADOPTION OF AGENDA (8:51:14) - Mayor Crowell introduced this item, and entertained modifications to the agenda. Ms. Paulson advised that item 31(B) would be deferred to the next meeting. At Supervisor Bonkowski's request, Mayor Crowell modified the agenda to open item 26 for discussion only immediately following item 17. Mayor Crowell entertained requests for additional modifications and, when none were forthcoming, deemed the agenda adopted as revised.**

**CONSENT AGENDA**

(8:53:39) - Mayor Crowell introduced the consent agenda and read into the record a prepared disclosure statement relative to item 9(A). Mayor Crowell advised of no disqualifying conflict of interest and that he would participate in and discussion and action on item 9(A). Mayor Crowell entertained additional disclosures and, when none were forthcoming, a motion. **Supervisor Bagwell moved to approve the consent agenda, as published. Supervisor Barrette seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	<b>Approved [5 - 0]</b>
<b>MOVER:</b>	<b>Supervisor Lori Bagwell</b>
<b>SECOND:</b>	<b>Supervisor John Barrette</b>
<b>AYES:</b>	<b>Supervisors Bagwell, Barrette, Abowd, Bonkowski, and Mayor Crowell</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 3**

**8. ASSESSOR - POSSIBLE ACTION TO APPROVE THE REMOVAL OF THE 2018 / 19 REAL PROPERTY TAXES FOR PARCEL NUMBER 009-551-31, 788 FAIRVIEW DRIVE, PURSUANT TO NRS 361.065, IN THE AMOUNT OF \$19,828.97, AND A WAIVER OF \$694.07 IN PENALTIES**

**9. COMMUNITY DEVELOPMENT DEPARTMENT - POSSIBLE ACTION TO APPROVE A TRANSFER OF OWNERSHIP OF A GAMING LICENSE, FROM 777GAMING INCORPORATED TO 777GAME LLC, FOR MAX'S CASINO, LOCATED AT 900 SOUTH CARSON STREET**

**10. FINANCE DEPARTMENT - POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES, THROUGH NOVEMBER 26, 2018, PURSUANT TO NRS 251.030 AND NRS 354.290**

**ORDINANCES, RESOLUTIONS, AND OTHER ITEMS**

**11. ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME - None.**

**12. CITY MANAGER**

**12(A) PRESENTATION AND UPDATE REGARDING NEVADA TAHOE CONSERVATION DISTRICT PROJECTS (8:55:09) - Mayor Crowell introduced this item and invited Doug Martin to the meeting table. Mr. Martin presented the agenda materials in conjunction with displayed slides. Mayor Crowell thanked Mr. Martin for his presentation.**

**12(B) POSSIBLE ACTION TO REAPPOINT DOUG MARTIN TO THE NEVADA TAHOE CONSERVATION DISTRICT FOR A TWO-YEAR TERM, ENDING DECEMBER 31, 2020 (9:05:19) - Mayor Crowell introduced this item, and entertained a motion. Supervisor Bonkowski moved to reappoint Doug Martin to the Nevada Tahoe Conservation District for a two-year term, ending December 31, 2020. Supervisor Bagwell seconded the motion. Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.**

<b>RESULT:</b>	<b>Approved [5 - 0]</b>
<b>MOVER:</b>	<b>Supervisor Brad Bonkowski</b>
<b>SECOND:</b>	<b>Supervisor Lori Bagwell</b>
<b>AYES:</b>	<b>Supervisors Bonkowski, Bagwell, Abowd, Barrette, and Mayor Crowell</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 4**

**12(C) POSSIBLE ACTION TO GRANT A WAIVER OF CONFLICT OF INTEREST, BY EXECUTING A PROPOSED WAIVER AS REQUESTED BY SHERMAN & HOWARD, LLC, BOND COUNSEL FOR THE CITY AND CONTRACT COUNSEL FOR THE CARSON CITY FINANCE DEPARTMENT, RELATING TO THE LAW FIRM'S CONCURRENT REPRESENTATION OF VERIZON WIRELESS IN MATTERS RELATING TO CELL TOWERS AND REAL ESTATE (9:06:32)** - Mayor Crowell introduced this item. Bond Counsel Ryan Henry presented the agenda materials, and responded to questions of clarification. In response to a question, Mr. Yu acknowledged valid concerns. He discussed differences between the "ideal approach and an acceptable approach. ... the ideal approach is ... always to have the same firm, not having concurrent representation. In today's world, however, especially with larger firms, this is sort of an inevitable occurrence ... This is not an anomalous occasion where a law firm or an attorney ... would request a conflict waiver."

Mr. Yu advised of having discussed this matter with District Attorney Jason Woodbury, and that he has reviewed the request. Mr. Yu advised of no professional concerns of his own or expressed by District Attorney Woodbury. "We think that the nexus, if there is one, between representation on bond related matters and on the Verizon transactional matters, out of the Denver office, is probably there but also probably weak. So we don't really see too much potential for there to be a problem and as ... Mr. Mayor, you've identified on the record, all the attorneys who work in this profession, ... we are guided strictly by rules of professional conduct and so that is inherently in place and that would guide the attorneys who are representing the City on this matter. So, again, with that being said, not the ideal approach but it is acceptable to the D.A.'s office. We're comfortable with the Board signing off on this waiver."

Mr. Henry acknowledged that the waiver would only pertain to negotiations representing Verizon for Carson City and not anywhere else in the country. Supervisor Bonkowski expressed a concern that Carson City operates traffic lights in Douglas County, Lyon County and, soon in Storey County. He inquired as to an additional conflict "through Carson City with those three other counties that would need to be addressed as part of this waiver." Mr. Henry advised that additional research would be necessary, and suspected that additional waivers may be necessary "because Sherman & Howard also represents the ones you mentioned in bond-related matters. So that's a further complicated factor that I was not aware of regarding stop lights."

Following a brief discussion, Mayor Crowell entertained a motion. **Supervisor Bagwell moved to grant the waiver of conflict of interest of Sherman & Howard LLC by executing the proposed waiver, as requested, and based on the information on the record that we can revoke, if necessary. Motion died for lack of a second.**

Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to deny the waiver of conflict of interest of Sherman & Howard LLC. Supervisor Barrette seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Bonkowski suggested no benefit to Carson City and limited exposure for Sherman & Howard. "And there are a lot of variables that we can't answer today that may affect the outcome of this. And so that's why I'm making a choice to not grant the waiver at this point." Supervisors Barrette and Abowd expressed agreement with Supervisor Bonkowski. Supervisor Abowd expressed additional concern over controversy "going down the road and I just feel that it's a safer approach." Mayor Crowell entertained additional discussion on the motion and, when none was forthcoming, called for a vote.

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 5**

<b>RESULT:</b>	<b>Deny the waiver [4 - 1]</b>
<b>MOVER:</b>	<b>Supervisor Brad Bonkowski</b>
<b>SECOND:</b>	<b>Supervisor John Barrette</b>
<b>AYES:</b>	<b>Supervisors Bonkowski, Barrette, Abowd, Bagwell</b>
<b>NAYS:</b>	<b>Mayor Robert Crowell</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

**12(D) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 119, AN ORDINANCE AMENDING TITLE 21, TAXATION, CHAPTER 21.06, V&T RAILROAD SALES TAX, OF THE CARSON CITY MUNICIPAL CODE, TO REVISE VARIOUS PROVISIONS RELATING TO THE PURPOSE, IMPOSITION, REFUND, AND USE OF THE V&T RAILROAD SALES TAX (9:28:38)** - Mayor Crowell introduced this item, and Ms. Paulson presented the agenda materials. In response to a question, Ms. Paulson advised of no revisions since introduction, on first reading. She further advised that an updated agreement, between the City and the State Department of Taxation, will be presented to the Board in the near future. Mayor Crowell entertained public comment and, when none was forthcoming, entertained a motion. **Supervisor Abowd moved to adopt, on second reading, Bill No. 119, an ordinance amending Title 21, Chapter 21.06, of the Carson City Municipal Code, to revise various provisions relating to the purpose, imposition, refund, and use of the V&T Railroad Sales Tax. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Barrette noted the importance of the ordinance to Carson City. Ms. Merriwether advised that the ordinance number is 2018-16. **Supervisor Abowd amended her motion to include Ordinance No. 2018-16. Supervisor Bagwell continued her second.** Mayor Crowell advised of his reluctant support “because I don’t believe there’s ... the appropriate nexus between sales tax and road travel. Sales tax goes to fund the general fund for a lot of different things. Gas and roads have their own tax mechanism set up and so, from my standpoint, I think it’s a slippery slope we go down when we start using general fund monies to finance road construction which has its own dedicated tax scheme that has a nexus to the damage to the road and the need for repair. ... I think this is a short-term fix that could have long-term damage to what we do with our general fund.”

Supervisor Bonkowski expressed hesitance. “There is going to be a lot of motivation for a future Board to want to not sunset this tax when it is ready to sunset ... in 2025 because we will have created this revenue stream that’s now going towards repairing roads. I think that, number one, it’s a disservice to the voters that approved this if it doesn’t sunset and, more importantly or as importantly, I believe ... it will hinder our ability to get cooperation from our legislators if this is not allowed to sunset when it is proposed to sunset. I’ve talked to a couple of them. They may or may not be in office when this sunsets but the feedback that I’ve gotten has been that ... they allow us to create certain taxes through the legislature. We enable them here. If we circumvent that process, they’re going to be very hesitant to work with us in the future. So I would caution those future Boards, when this comes up, that the intent of this Board, unless one of you corrects me, is that we are approving this with the intent of it sunseting. No doubt. There should be no doubt about that.”

Supervisor Barrette commended the Mayor’s and Supervisor Bonkowski’s comments. “I agree with you both, particularly the sunset part. The nexus part is just our tradition. It does have that other but, let’s face it, Congress hasn’t stepped up. The state hasn’t stepped up. We haven’t gotten more money from those

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 6**

revenue sources that you're talking about and we are having deteriorating roads. I will be there with you, Brad, ... come 2025 to be here and remind whatever Board is here ... because I agree completely. It needs to sunset. We need to keep faith with the voters on those things but we also need to fix the roads." Supervisor Bagwell stated "this is a statutory portion of sales tax. ... I just wanted to clarify on the record, the only reason we can do this is because sales tax law allows it."

At Mayor Crowell's request, Bond Counsel Ryan Henry clarified that NRS Chapter 377B.160 "does provide for various infrastructure projects, including street and highway projects. There's a cross reference ... to Chapter 373. And so, in the plan of expenditure itself, we've been very specific about the City's authorization to do street and highway projects. And ... that nexus may be debatable but ... this is in authorized projects for infrastructure sales tax. And one other thing I wanted to mention ... notwithstanding the intention for this to sunset in 2025 when the 2014E V&T Bonds are paid off, ... this is one of those few taxes in the state that the Board can impose without voter approval which is how this was originally put into place. And so the way the chapter reads is that ... when it comes to 2025, that'll be a Board decision whether to continue or not continue to tax and they can ... let it sunset and repeal that tax in 2025 should that Board choose to do so. I just wanted to mention that this was not voter approved. This was Board imposed and it's a very unique tax in that manner because Chapter 377B lets you impose a certain amount of sales tax for infrastructure projects and those projects are wide." In response to a question, Mr. Henry advised there is currently no sales tax on automobile fuel. Mayor Crowell discussed the intent to ensure "that when we spend money we're doing it the right way." He reiterated his intent to vote in favor of the motion in light of his previously-stated reservations.

Following discussion, Mr. Henry explained that the V&T sales tax is pledged to the repayment of the 2014E bonds, which don't mature until 2025. "... to make sure that those bonds are not impaired, ... this Board has pledged the V&T sales tax to repayment of the bonds. So it couldn't be shut off entirely until 2025 but, should the Board choose to shut off using this tax for pay-as-you-go cash-funded street projects, we'd have to go through the same process again and amend the plan of expenditure and ... the Board could choose to shut it off for ... those uses prior to 2025."

Mayor Crowell entertained additional discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	<b>Approved [5 - 0]</b>
<b>MOVER:</b>	<b>Supervisor Karen Abowd</b>
<b>SECOND:</b>	<b>Supervisor Lori Bagwell</b>
<b>AYES:</b>	<b>Supervisors Abowd, Bagwell, Bonkowski, Barrette, and Mayor Crowell</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

**13. TREASURER - POSSIBLE ACTION TO ADOPT BILL NO. 122, ON SECOND READING, AN ORDINANCE REPEALING THE SENIOR CITIZENS ASSISTANCE PROGRAM FOR THE PAYMENT OF SEWER USE FEES AND WATER SERVICE AND COMMODITY CHARGES, AND REPLACING THOSE PROVISIONS WITH THE UTILITY RATEPAYER ASSISTANCE PROGRAM (9:43:05) - Mayor Crowell introduced this item and, in response to a question, Treasurer Gayle Robertson reviewed revisions to the proposed ordinance, since introduction on first reading. Mayor**

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 7**

Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to adopt Bill No. 122, on second reading, Ordinance No. 2018-17. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Barrette thanked Supervisors Abowd and Bagwell and everyone involved in drafting the ordinance. Mayor Crowell called for a vote on the pending motion.

<b>RESULT:</b>	Approved [5 - 0]
<b>MOVER:</b>	Supervisor Brad Bonkowski
<b>SECOND:</b>	Supervisor Karen Abowd
<b>AYES:</b>	Supervisors Bonkowski, Abowd, Bagwell, Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

**14. FINANCE DEPARTMENT**

**14(A) PRESENTATION OF FINANCIAL HIGHLIGHTS OF THE CURRENT YEAR COMPREHENSIVE ANNUAL FINANCIAL REPORT (“CAFR”), AND PIERCY BOWLER TAYLOR AND KERN WILL PROVIDE INFORMATION RELATED TO THEIR AUDIT PROCEDURES AND THE RESULTS OF THOSE PROCEDURES FOR CARSON CITY CAFR FISCAL YEAR ENDED JUNE 30, 2018 (9:45:10)** - Mayor Crowell introduced this item, and Chief Financial Officer Sheri Russell introduced Ralph Piercy, of Piercy Bowler Taylor and Kern. Ms. Russell presented the agenda materials in conjunction with displayed slides. Mr. Piercy narrated a PowerPoint presentation which was displayed in the meeting room and included in the agenda materials. Mr. Piercy and Ms. Russell responded to questions of clarification throughout the presentation. Mayor Crowell entertained additional Board member questions or comments and public comments; however, none were forthcoming.

**14(B) POSSIBLE ACTION TO ACCEPT THE CARSON CITY COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2018 (10:25:06)** - Mayor Crowell introduced this item, and entertained a motion. **Supervisor Abowd moved to accept the Carson City Comprehensive Annual Financial Report for the fiscal year ended June 30, 2018. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [5 - 0]
<b>MOVER:</b>	Supervisor Karen Abowd
<b>SECOND:</b>	Supervisor Lori Bagwell
<b>AYES:</b>	Supervisors Abowd, Bagwell, Bonkowski, Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 8**

**14(C) POSSIBLE ACTION TO ADOPT BILL NO. 121, ON SECOND READING, AN ORDINANCE AUTHORIZING THE ISSUANCE BY CARSON CITY OF ITS “GENERAL OBLIGATION (LIMITED TAX) WATER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) SERIES 2019A”, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,000,000 (10:26:53)** - Mayor Crowell introduced this item, and Chief Financial Officer Sheri Russell presented the agenda materials. In response to a question, Ms. Russell advised of no changes and no comments received since introduction, on first reading. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to adopt Bill No. 121, on second reading, Ordinance No. 2018-18, an ordinance authorizing the issuance by Carson City of its “General Obligation (Limited Tax) Water Bonds (Additionally Secured by Pledged Revenues) Series 2019A” in the aggregate principal amount not to exceed \$7,000,000. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [5 - 0]
<b>MOVER:</b>	Supervisor Brad Bonkowski
<b>SECOND:</b>	Supervisor Karen Abowd
<b>AYES:</b>	Supervisors Bonkowski, Abowd, Bagwell, Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

Mayor Crowell recessed the meeting at 10:27 a.m., and reconvened at 10:38 a.m.

**15. FIRE DEPARTMENT - POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING SECTIONS OF TITLE 14, CHAPTER 14.02, TO REFLECT THE ADOPTION OF THE 2018 EDITIONS OF THE INTERNATIONAL FIRE CODE, THE INTERNATIONAL WILDLAND - URBAN INTERFACE CODE, THE NORTHERN NEVADA FIRE CODE AMENDMENTS, AND THE NORTHERN NEVADA WILDLAND - URBAN INTERFACE CODE AMENDMENTS (10:38:22)** - Mayor Crowell introduced this item. Fire Department Battalion Chief / Fire Marshal Dave Ruben provided background information and presented the agenda materials. At Mayor Crowell’s request, Deputy District Attorney Iris Yowell read into the record revised language relative to recording a lien against a property as a result of violating Section 603.2.1.1.

Mayor Crowell entertained public comment and, when none was forthcoming, advised of having received email communication from realtors expressing support for the revised language. Supervisor Barrette commented “this is still a little heavy handed in the sense that property rights have to be as inviolable as we can make them. And, as far as I’m concerned, taking somebody’s property on a reasonable attempt isn’t reasonable. I think a reasonable attempt means go down and find them face to face. That’s asking government to do a lot but government doesn’t always do a lot in its attempt to provide notice, etc., etc. We have a lot of talk. We have a lot of efforts that are made in terms of what’s written down but, when it comes to actually taking somebody’s property, that person needs to definitely be more than just reasonably contacted. They need to be contacted.”



**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 9**

Mayor Crowell entertained additional Board member questions or comments and public comments and, when none were forthcoming, a motion. **Supervisor Abowd moved to introduce, on first reading, Bill No. 123, an ordinance relating to fire prevention. Supervisor Bonkowski seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [5 - 0]
<b>MOVER:</b>	Supervisor Karen Abowd
<b>SECOND:</b>	Supervisor Brad Bonkowski
<b>AYES:</b>	Supervisors Abowd, Bonkowski, Bagwell, Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

**16. LIBRARY**

**16(A) PRESENTATION AND UPDATE REGARDING 2018 ACTIVITIES OF THE CARSON CITY LIBRARY (10:44:45)** - Mayor Crowell introduced this item, and Library Director Sena Loyd presented the agenda materials in conjunction with displayed slides. Mayor Crowell entertained public comment; however, none was forthcoming.

**16(B) PRESENTATION AND UPDATE REGARDING FY 19 ACTIVITIES OF THE SPECIAL LIBRARY SERVICES PROGRAM FOR ECONOMIC DEVELOPMENT AT ADAMS HUB FOR INNOVATION (10:59:15)** - Mayor Crowell introduced this item, and Business Development Manager Valerie Cauhape presented the agenda materials in conjunction with displayed slides. Ms. Cauhape and Library Director Sena Loyd responded to questions of clarification. Mayor Crowell entertained public comment; however, none was forthcoming. Mayor Crowell thanked Ms. Cauhape for her service to the City and wished her well in her future endeavors.

**17. PUBLIC WORKS DEPARTMENT - POSSIBLE ACTION TO ADOPT A RESOLUTION ADOPTING THE CARSON RIVER WATERSHED REGIONAL FLOOD PLAIN MANAGEMENT PLAN 2018 (11:23:25)** - Mayor Crowell introduced this item, and Flood Plain Manager Robb Fellows provided an overview of this item. Executive Director Ed James and Debbie Neddenriep of the Carson Water Subconservancy District presented the management plan in conjunction with displayed slides. Mayor Crowell entertained public comments and Board member questions or comments and, when none were forthcoming, a motion. **Supervisor Abowd moved to approve Resolution No. 2018-R-37, a resolution adopting the Carson River Watershed Regional Floodplain Management Plan for 2018. Supervisor Bonkowski seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [5 - 0]
<b>MOVER:</b>	Supervisor Karen Abowd
<b>SECOND:</b>	Supervisor Brad Bonkowski
<b>AYES:</b>	Supervisors Abowd, Bonkowski, Bagwell, Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 10**

**18. RECESS BOARD OF SUPERVISORS (11:37:22)** - Mayor Crowell recessed the Board of Supervisors meeting at 11:37 a.m., and passed the gavel to Redevelopment Authority Chairperson Karen Abowd.

**REDEVELOPMENT AUTHORITY**

**19. CALL TO ORDER AND ROLL CALL (11:37:38)** - Chairperson Abowd called the Redevelopment Authority meeting to order at 11:37 a.m., noting the presence of a quorum.

**20. PUBLIC COMMENT (11:37:45)** - Chairperson Abowd entertained public comment; however, none was forthcoming.

**21. POSSIBLE ACTION ON APPROVAL OF MINUTES - October 4, 2018 (11:37:50)** - Chairperson Abowd introduced this item, and entertained a motion. **Member Bonkowski moved to approve the minutes, as presented. The motion was seconded and carried 5-0.**

**22. COMMUNITY DEVELOPMENT DEPARTMENT**

**22(A) POSSIBLE ACTION TO ADOPT A RESOLUTION AMENDING AND SUPERSEDING RESOLUTION 2017-RAR-1 AND 2017-R-1 TO CONTINUE THE CARSON CITY REDEVELOPMENT FAÇADE IMPROVEMENT PROGRAM FOR REDEVELOPMENT PROJECT AREAS 1 AND 2, AND TO REVISE PROVISIONS RELATED TO PROJECT ELIGIBILITY REQUIREMENTS (11:38:22)** - Chairperson Abowd introduced this item, and entertained disclosures. Member Bonkowski read a prepared disclosure statement into the record, advised of no disqualifying conflict of interest, and that he would participate in discussion and action. Chairperson Abowd entertained additional disclosures; however, none were forthcoming. Community Development Director Lee Plemel presented the agenda materials in conjunction with displayed slides. In response to a question, Vice Chairperson Bagwell reviewed statistical information from a report provided by the Assessor and the Treasurer. Discussion followed, and Mr. Plemel responded to questions of clarification.

Chairperson Abowd entertained public comments and, when none were forthcoming, additional Redevelopment Authority member questions or comments. Member Bonkowski referred to the resolution presented as late material, and reviewed proposed revisions. Discussion followed. Chairperson Abowd entertained a motion. **Member Bonkowski moved to adopt Resolution No. 2018-RA-R-2, with the revisions as discussed on the record. Vice Chairperson Bagwell seconded the motion. Motion carried 5-0.**

**22(B) POSSIBLE ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING THE EXPENDITURE OF UP TO \$400,360 FROM THE FISCAL YEAR 2019 REDEVELOPMENT REVOLVING FUND FOR THE BOB BOLDRICK THEATER REHABILITATION PROJECT (12:07:00)** - Chairperson Abowd introduced this item, and opened item 26 for concurrent discussion. Community Development Director Lee Plemel provided background information, and presented the agenda materials. Member Bonkowski commented that there had been no needs assessment conducted for the Bob Boldrick Theater “prior to making the decision to move forward with replacement of the seats.” Member Bonkowski advised of having requested to consider a needs assessment “so that we can decide if we’re going to allocate ... undesignated available funds ... toward a full scope of work as opposed to just getting this piece-meal ...”

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the December 6, 2018 Meeting**  
**Page 11**

Parks, Recreation, and Open Space Department Director Jennifer Budge provided background information on the theater, advised of having distributed late material, and reviewed the same, including details of the theater project. At Ms. Budge's request, Recreation Program Manager Eric Klug provided additional detail regarding the need for wireless microphones in the theater. Chairperson Abowd suggested including Arts and Culture Coordinator Mark Salinas in the theater rehabilitation project. Mr. Klug and Ms. Budge responded to questions of clarification, and extensive discussion followed.

Mr. Yu distinguished between the action of the Redevelopment Authority, under the subject item, and the subsequent action to be taken by the Board of Supervisors, as part of item 26. Chairperson Abowd entertained public comment; however, none was forthcoming. Following additional discussion, Chairperson Abowd entertained a motion. **Vice Chairperson Bagwell moved to approve and recommend that the Board of Supervisors authorize the expenditure of \$252,996, and any remaining undesignated ending fund balance from 2018, from the Fiscal Year 2019 Redevelopment Revolving Fund for the Bob Boldrick Theater rehabilitation project. Member Bonkowski seconded the motion.** Chairperson Abowd entertained discussion on the motion and, when none was forthcoming, called for a vote. **Motion carried 5-0.**

In response to a question, Mr. Klug provided background information on Bob Boldrick.

**23. PUBLIC COMMENT (12:42:14)** - Chairperson Abowd entertained public comment; however, none was forthcoming.

**24. ACTION TO ADJOURN REDEVELOPMENT AUTHORITY MEETING (12:42:27)** - Chairperson Abowd adjourned the Redevelopment Authority meeting at 12:42 p.m.

**25. RECONVENE BOARD OF SUPERVISORS MEETING (12:42:35)** - Mayor Crowell reconvened the Board of Supervisors meeting at 12:42 p.m.

**26. COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION - POSSIBLE ACTION TO ADOPT A RESOLUTION AUTHORIZING THE EXPENDITURE OF UP TO \$400,360 FROM THE FISCAL YEAR 2019 REDEVELOPMENT REVOLVING FUND FOR THE BOB BOLDRICK THEATER REHABILITATION PROJECT, AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN (12:42:37)** - Mayor Crowell introduced this item and incorporated, by reference, all of the discussion which took place under item 22(B). Mayor Crowell entertained a motion. **Supervisor Bagwell moved to adopt Resolution No. 2018-R-38, authorizing the expenditure of \$252,996, plus the undesignated FY 18 balance forward, from the FY 2019 Redevelopment Revolving Fund for the Bob Boldrick Theater rehabilitation project, and authorizing the specific expenditure in the phase 1 to include the ADA plan and evaluation professional services. Supervisor Barrette seconded the motion.** Mayor Crowell entertained public comment and, when none was forthcoming, called for a vote.

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 12**

<b>RESULT:</b>	Approved [5 - 0]
<b>MOVER:</b>	Supervisor Lori Bagwell
<b>SECOND:</b>	Supervisor John Barrette
<b>AYES:</b>	Supervisors Bagwell, Barrette, Abowd, Bonkowski, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

**27. PURCHASING AND CONTRACTS**

**27(A) POSSIBLE ACTION TO DETERMINE THAT K7 CONSTRUCTION, INC. IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO NRS CHAPTER 338, AND TO AWARD CONTRACT NO. 1819-129, BOB BOLDRICK THEATER PROJECT, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$232,028.00 (12:45:07)** - Mayor Crowell introduced this item, and Purchasing and Contracts Administrator Carol Akers acknowledged that the amount is budgeted. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to determine that K7 Construction, Inc. is the lowest responsive and responsible bidder, pursuant to NRS Chapter 338, and to award Contract No. 1819-129 to K7 Construction, Inc. for a total not-to-exceed amount of \$232,028.00** Supervisor Abowd seconded the motion. Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [5 - 0]
<b>MOVER:</b>	Supervisor Brad Bonkowski
<b>SECOND:</b>	Supervisor Karen Abowd
<b>AYES:</b>	Supervisors Bonkowski, Abowd, Bagwell, Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

**27(B) POSSIBLE ACTION TO APPROVE THE PURCHASE OF ONE NEW TYPE 1 FIRE ENGINE AND ONE NEW TRACTOR DRAWN AERIAL APPARATUS (LADDER TRUCK) FOR THE CARSON CITY FIRE DEPARTMENT UTILIZING COOPERATIVE PURCHASING CONTRACT NO. FS12-17 WITH H-GAC BUY FOR A NOT-TO-EXCEED AMOUNT OF \$1,853,041.22 (1:58:03)** - Mayor Crowell introduced this item, and Fire Chief Sean Slamon presented the agenda materials in conjunction with displayed slides. Fleet Supervisor Zach Good reviewed details of the purchase price. Chief Slamon and Mr. Good responded to questions of clarification.

Mayor Crowell entertained additional questions or comments of the Board members and of the public and, when none were forthcoming, a motion. **Supervisor Abowd moved to approve the purchase of one new Type 1 fire engine and one new tractor drawn aerial apparatus, utilizing cooperative purchasing contract No. FS12-17 with H-GAC Buy, for a not-to-exceed amount of \$1,853,041.22.** Supervisor **Bonkowski seconded the motion.** Mayor Crowell entertained discussion on the motion, and Supervisor Bagwell expressed appreciation for all the information provided by staff. Supervisor Barrette expressed appreciation for Chief Slamon having considered the effect of the vehicles on the roads. Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion.

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 13**

<b>RESULT:</b>	Approved [5 - 0]
<b>MOVER:</b>	Supervisor Karen Abowd
<b>SECOND:</b>	Supervisor Brad Bonkowski
<b>AYES:</b>	Supervisors Abowd, Bonkowski, Bagwell, Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

**28. SHERIFF'S DEPARTMENT**

**28(A) POSSIBLE ACTION TO APPROVE A LEASE AGREEMENT, PURSUANT TO NRS 277.050, BETWEEN THE CARSON CITY SHERIFF'S OFFICE, AS THE LESSOR, AND THE STATE OF NEVADA'S PUBLIC WORKS DIVISION, AS THE LESSEE, AND THE DEPARTMENT OF PUBLIC SAFETY'S NEVADA HIGHWAY PATROL, AS THE TENANT (12:48:15)** - Mayor Crowell introduced this item and entertained questions or comments of the Board members. When no questions or comments were forthcoming, Mayor Crowell entertained public comment. When no public comment was forthcoming, Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to approve a Lease Agreement, pursuant to NRS 277.050, between the Carson City Sheriff's Office, as the Lessor, and State of Nevada Public Works Division, as the Lessee, and the Department of Public Safety's Nevada Highway Patrol as the Tenant. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [5 - 0]
<b>MOVER:</b>	Supervisor Brad Bonkowski
<b>SECOND:</b>	Supervisor Lori Bagwell
<b>AYES:</b>	Supervisors Bonkowski, Bagwell, Abowd Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

**28(B) POSSIBLE ACTION TO ADOPT BILL NO. 120, ON SECOND READING, AN ORDINANCE REVISING PROVISIONS GOVERNING NATIONAL BACKGROUND CHECKS FOR CERTAIN BUSINESS LICENSE APPLICANTS (12:46:44)** - Mayor Crowell introduced this item and, in response to a question, Sheriff Ken Furlong acknowledged no revisions since introduction of the bill, on first reading. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bagwell moved to adopt Bill No. 120 on second reading, Ordinance No. 2018-19. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [5 - 0]
<b>MOVER:</b>	Supervisor Lori Bagwell
<b>SECOND:</b>	Supervisor Karen Abowd
<b>AYES:</b>	Supervisors Bagwell, Abowd, Bonkowski, Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAIN:</b>	None

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the December 6, 2018 Meeting**  
**Page 14**

**RECESS AND RECONVENE BOARD OF SUPERVISORS MEETING** (12:49:12; 1:36:54) - Mayor Crowell recessed the meeting at 12:49 p.m., and reconvened at 1:36 p.m.

**29. CITY MANAGER - POSSIBLE ACTION REGARDING PRESENTATION OF INTERIM CITY MANAGER'S PROGRESS REPORT ON CITY INITIATIVES AND STRATEGIC PLANNING, AND TO DIRECT THE DISTRICT ATTORNEY'S OFFICE TO PREPARE AN EMPLOYMENT CONTRACT FOR APPROVAL BY THE BOARD OF SUPERVISORS TO APPOINT NANCY PAULSON AS THE CITY MANAGER, BEGINNING JANUARY 4, 2019** (2:25:16) - Mayor Crowell introduced this item, and Ms. Paulson presented the agenda materials in conjunction with displayed slides. Ms. Paulson responded to questions and discussion took place throughout the presentation.

Ms. Paulson stated that "the City is working like a well-oiled machine and we need to continue the momentum." She requested the Board to direct the District Attorney's Office to prepare a contract to appoint her as the City Manager. She reviewed her background and experience which qualify her for the position, and responded to corresponding questions. Mayor Crowell recessed the meeting at 3:06 p.m., reconvened at 3:10 p.m., and addressed item 32 as it was time-specific on the agenda.

(3:32:38) Mayor Crowell returned to this item, and referred to Ms. Paulson's earlier presentation. Mayor Crowell entertained Board member questions or comments. Mayor Crowell requested to participate in any discussion which takes place between City representatives and Standard & Poor's and Moody's regarding the City's bond rating. Chief Financial Officer Sheri Russell advised that John Peterson, of JNA Consulting, will be pushing to "get that rating upgraded because we have such a great fund balance now."

Ms. Paulson responded to extensive questions from each of the Board members, and Mayor Crowell entertained public comment. (4:03:54) Fire Chief Sean Slamon, Public Works Department Director Darren Schulz, Chief Financial Officer Sheri Russell, Supervisor-elect Stacey Giomi, and Deputy City Manager Adriana Fralick each reviewed Ms. Paulson's qualifications and experience, expressed their confidence in her, and recommended her appointment as City Manager. Each of the Board members discussed their support of Ms. Paulson, and Mayor Crowell offered Ms. Paulson the opportunity to comment. Ms. Paulson expressed appreciation for the opportunity, and thanked the department managers and Supervisor-elect Giomi for their support.

Mayor Crowell entertained discussion of the Board members relative to proposed action on the subject item. Following discussion, Mayor Crowell entertained a motion. **Mayor Crowell moved to direct the City's legal counsel to negotiate with the Interim City Manager on a two-year contract, to be presented to the Board of Supervisors for approval. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion. In response to a question, Mayor Crowell cautioned the Board members from entering into the negotiation process. In response to a comment, Mayor Crowell emphasized that Mr. Yu is not representing Ms. Paulson in this matter. Mayor Crowell suggested that Ms. Paulson could retain her own counsel, if she deems it necessary. In response to a question, Ms. Paulson suggested that the contract could be submitted to the Board at the January 3, 2019 meeting. Following additional discussion, Mayor Crowell called for a vote on the pending motion.

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 15**

<b>RESULT:</b>	<b>Approved [5 - 0]</b>
<b>MOVER:</b>	<b>Mayor Robert Crowell</b>
<b>SECOND:</b>	<b>Supervisor Karen Abowd</b>
<b>AYES:</b>	<b>Mayor Crowell, Supervisors Abowd, Bonkowski, Bagwell, Barrette</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

**30. BOARD OF SUPERVISORS NON-ACTION ITEMS:  
FUTURE AGENDA ITEMS**

**STATUS REVIEW OF PROJECTS**

**INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS**

**CORRESPONDENCE TO THE BOARD OF SUPERVISORS**

**STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (4:39:34)** - Supervisor Bagwell announced an informational meeting scheduled for 5:30 p.m. on Wednesday, December 12<sup>th</sup> in the Sierra Room to discuss issues relative to the gun range. Mayor Crowell reported on a recent meeting with the Defense Minister of India.

**STAFF COMMENTS AND STATUS REPORTS**

**31. CITY MANAGER**

**31(A) POSSIBLE ACTION TO APPOINT FOUR MEMBERS TO THE 9-1-1 SURCHARGE ADVISORY COMMITTEE, TWO POSITIONS EACH TO FILL UNEXPIRED TERMS THAT WILL EXPIRE ON DECEMBER 31, 2019, AND TWO POSITIONS EACH TO FILL FULL TERMS THAT WILL EXPIRE ON DECEMBER 31, 2020 (1:37:11)** - Mayor Crowell introduced this item, and invited Kathie Heath to the meeting table. (1:37:52) Ms. Heath responded to questions regarding the relevance of the 9-1-1 Surcharge Advisory Committee; possible enhancements to the system to ensure improved communication; her experience writing and reviewing operational and other types of implementation plans; and whether enhanced personnel training or improved equipment would do more to improve the 9-1-1 system. Mayor Crowell offered Ms. Heath the opportunity to comment further and she declined. Ms. Heath acknowledged that she works part-time at the Sheriff's Office.

(1:42:33) Ms. Paulson introduced Mary Katherine Durbin, and Mayor Crowell welcomed her to the meeting table. Ms. Durbin responded to questions regarding her interest in serving; the relevance of the 9-1-1 Surcharge Advisory Committee to the community; possible enhancements to the system to improve communication; her experience writing and implementing the police and dispatch academy plans at WNC; and whether enhanced personnel training or improved equipment would do more to improve the system. Mayor Crowell offered Ms. Durbin the opportunity to comment further; however, she declined.

(1:47:08) Mayor Crowell welcomed Daniel McKeehan to the meeting table. Mr. McKeehan responded to questions regarding his interest in serving; the relevance of the committee to the community; possible

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 16**

enhancements to the system to improve communication; his master plan writing experience; and whether enhanced personnel training or upgraded equipment would do more to improve the system. Mayor Crowell offered Mr. McKeehan the opportunity to comment further, and he discussed his experience with TelePacific.

Ms. Paulson responded to questions regarding the Board’s practice on interviewing for reappointments. Mr. Yu reviewed information from the City’s Boards, Commissions, and Committees Policy relative to appointment of a City employee.

Mayor Crowell entertained a motion. **Supervisor Abowd moved to appoint Mary Katherine Durbin to the 9-1-1 Surcharge Advisory Committee to fill an unexpired term that will expire on December 31, 2019, and Denise Stewart and Daniel McKeehan, each to fill full terms that will expire on December 31, 2020. Supervisor Bagwell seconded the motion.** Following discussion, Mayor Crowell called for a vote on the pending motion.

<b>RESULT:</b>	<b>Approved [5 - 0]</b>
<b>MOVER:</b>	<b>Supervisor Karen Abowd</b>
<b>SECOND:</b>	<b>Supervisor Lori Bagwell</b>
<b>AYES:</b>	<b>Supervisors Abowd, Bagwell, Bonkowski, Barrette, and Mayor Crowell</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

**31(B) POSSIBLE ACTION TO APPOINT TWO MEMBERS TO THE CARSON CITY AUDIT COMMITTEE, EACH FOR A TERM THAT EXPIRES ON DECEMBER 31, 2020 -** Deferred.

**32. COMMUNITY DEVELOPMENT DEPARTMENT - POSSIBLE ACTION ON A SHOW CAUSE HEARING AND BOARD DETERMINATION WHETHER TO SUSPEND, CANCEL, OR REVOKE BUSINESS LICENSE NO. 6629, ISSUED TO ANN SULLIVAN, OWNER OF CAPITAL CITY LIQUIDATORS, LOCATED AT 3390 SOUTH CARSON STREET, FOR CONTINUED OPERATION OF THE BUSINESS IN VIOLATION OF THE CARSON CITY MUNICIPAL CODE, PURSUANT TO CCMC 4.04.210(1) (3:10:28) -** Mayor Crowell introduced this item, and entertained disclosures. Supervisor Bonkowski read a prepared disclosure statement into the record, advised of no disqualifying conflict, and that he would participate in discussion and action. Mayor Crowell entertained additional disclosures; however, none were forthcoming.

Deputy District Attorney Iris Yowell provided background information on this item, advised of having entered into negotiations with the parties, and requested the Board to take no action at this time. Ms. Yowell explained that Ann Sullivan will enter into a written agreement with the City that no action will be pursued for a period of 90 days. “During that time, they will bring the property into full compliance. If full compliance does not occur in that 90-day period, Capital City Liquidators will be voluntarily surrendering their license ... In addition to that, ... if the license is surrendered or automatically revoked, basically it’s a stipulation for that, they would be agreeing to waive all appeals, judicial review or otherwise, and also be agreeing to not sue the City related to this matter ...”



## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the December 6, 2018 Meeting

#### Page 17

Mayor Crowell welcomed Attorney John Bartlett to the meeting table. Mr. Bartlett, representing Capital City Liquidators and Ann Sullivan, stated that “Ms. Yowell has accurately stated the terms of the agreement to obtain a 90-day period to bring the property into full compliance. It is nearly in full compliance today actually. And ... that is the basics of the agreement ...” In response to a question, Mr. Bartlett advised of having considered bringing the matter back to the Board in 90 days. “... there needs to be some determination ... after 90 days whether we’re in compliance or not compliant just to put a lid on this thing.” Ms. Yowell advised that the matter would be agendaized for the March 7<sup>th</sup> Board of Supervisors meeting, “and then we would be asking for the Board to make a finding whether or not they’re in compliance and, from there, [the Board] would make a determination.”

In response to a question, Ms. Yowell requested the Board to make a determination to take no action at this meeting. She clarified “we are prepared to go forward. We have the presentations ready. So if you ... decide to go forward with this and have us present the evidence and make a finding of whether to suspend, cancel, revoke, that’s what we would be doing.” In response to a question, Ms. Yowell explained, “We’ve already discussed the terms of the negotiation. We would just be entering into a supplemental written agreement.” Ms. Yowell responded to questions of clarification.

In response to a question, Mr. Bartlett expressed understanding for concerns of the Code Enforcement Division relative to the business becoming non-compliant at some point in the future. Mr. Bartlett stated that his client’s plan “is to liquidate most of its inventory in this 90-day period which means they’re not going to have the storage issues that they’ve had which is why they’ve been in non-compliance. So the nature of the business is going to change dramatically to avoid this problem. ... the whole idea of this is to bring them in compliance and, once they’re in compliance, then ... if you want to have a probationary period built into this agreement that they stay in compliance for 180 days after the 90-day period in which event, after that, they’re good and then, if there’s a future violation, you start over again.” Supervisor Bagwell expressed agreement for the suggestion. “I just feel strongly that there’s been a lot of time for you to already have brought this into compliance and it didn’t happen. And so if you’re on the record indicating, yes, that you’ll do the 180 days after the 90 ...” Mr. Bartlett acknowledged agreement.

Supervisor Barrette expressed concern over the future operation of the business. “The codes are there. They’re easily discerned how to follow. After 180 days, ... again, you’re either in code or you’re not in code. So my problem with that is the codes don’t go away. They’re still there but, after 180 days, if you go back to where you’ve been before. So you say you’re going to liquidate. ... Assure me that they’re going to stay in code after 180 days if you can.” Mr. Bartlett explained that “the plan for this business is to liquidate the Capital City inventory and retire. They’re going out of business. It might take more than 90 days but they’re going out of business and so the reason why my client is quite confident we’re going to stay in compliance is the amount of their inventory is going to be greatly reduced over the next 90 days so there’s not going to be a storage issue which ... the whole issue here is just outside storage. After 90 days, there’s going to be plenty of inside storage. There probably will be very little outside storage, if any, if there’s anything left at that point. So that’s how I can reassure you that this is not going to come back as a problem in the future.”

Ms. Yowell expressed the belief that there wouldn’t be a starting over “if they were out of compliance after the 180 days. There’s a history, a very long history here of violations and part of the reason why we are willing to do this is because we are empathetic to the situation of Capital City Liquidators as far as Ms. Sullivan’s circumstances ... and, because of what they’re agreeing to waive, potential appeals, that is a

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the December 6, 2018 Meeting**

**Page 18**

benefit to the City ... But there is a long history here. So we wouldn't go back to square one. We wouldn't wait another number of years before we came to the Board and asked for revocation. It would actually be a lot quicker."

In response to a question, Ms. Yowell requested the Board to defer action on the subject item. "We would be planning on putting it on the agenda in March; however, if that written agreement weren't entered into within the next two weeks, then we would bring it back immediately for this hearing to occur." In response to a question, Ms. Yowell expressed a preference for the provisions of the agreement to be enforced in the event there is a violation within the 180-day probation period. Mr. Bartlett requested "the due process, if there's a dispute over whether we're in compliance or not, to have somebody adjudicate that if necessary. So if there's a claimed violation and you guys set it up for the very next meeting to have that adjudicated, I'm fine with that too."

Mayor Crowell provided a brief summary of the discussion, and deferred action on the item. "... we want to have back the agreement that's agreed upon by the parties, as you outlined today and Mr. Bartlett and his client agreed with today, and we will continue this until ... that first meeting in March and see where it goes." Ms. Yowell acknowledged the plan to agendize the matter for the first meeting in March "unless the agreement didn't get entered into or there was some other issue." In response to a comment, Ms. Yowell expressed the hope that "the property would be completely cleaned up or within the 20 percent compliance. If we feel it's not, we would bring it for a finding and ask you to make a finding that it was not in compliance and then the automatic revocation would take place. So it would just basically be stipulating to the revocation by surrender if they weren't in compliance. You would just have to make that finding."

In response to a question, Ms. Yowell advised that the terms of the agreement are outlined. Mr. Bartlett advised that the agreement will be finalized by next week. Mayor Crowell entertained additional questions or comments and, when none were forthcoming, thanked everyone for working together.

Mayor Crowell recessed the meeting at 3:25 p.m., and reconvened at 3:32 p.m.

**33. PUBLIC COMMENT (4:41:49)** - Mayor Crowell entertained public comment; however, none was forthcoming.

**34. ACTION TO ADJOURN (4:42:05)** - Mayor Crowell adjourned the meeting at 4:42 p.m.

The Minutes of the December 6, 2018 Carson City Board of Supervisors meeting are so approved this 17<sup>th</sup> day of January, 2019.

---

ROBERT L. CROWELL, Mayor

ATTEST:

---

AUBREY ROWLATT, Clerk - Recorder