



**CARSON CITY CONSOLIDATED MUNICIPALITY
NOTICE OF MEETING OF THE
CARSON CITY BOARD OF SUPERVISORS
AND CARSON CITY LIQUOR AND ENTERTAINMENT BOARD**

Day: Thursday
Date: May 2, 2013
Time: Beginning at 8:30 a.m.
Location: Community Center, Sierra Room
851 East William Street
Carson City, Nevada

Agenda

1. Call to Order – Board of Supervisors

2. Roll Call

3. Invocation - Norm Milz, Shepherd of the Sierra Lutheran

4. Pledge of Allegiance

5. Public Comments and Discussion:

The public is invited at this time to comment on and discuss any topic that is relevant to, or within the authority of, the Carson City Board of Supervisors, the Carson City Liquor and Entertainment Board, the Carson City Redevelopment Authority and the Carson City Board of Health (Boards). In order for members of the public to participate in the Boards' consideration of an agenda item, the Boards strongly encourage members of the public to comment on an agenda item during the item itself. No action may be taken on a matter raised under public comment unless the item has been specifically included on the agenda as an item upon which action may be taken. The Mayor, or the Mayor Pro-Tem, retains discretion to only provide for public comment under a public comment item and not call for or allow individual-item public comment at the time of any Boards' consideration of any item on the agenda involving: 1) an off-site tour by the Board; or 2) any person's or entity's due process appeal or hearing rights provided by statute or the Carson City Municipal Code.

6. For Possible Action: Adoption of Agenda

7. Special Presentations

- A) Presentation of a proclamation for Nevada Wildfire Awareness Week, May 4 -11, 2013. (*Stacey Giomi & Ed Smith, UNCE Living with Fire Program*)
- B) Presentation of a proclamation for National Public Works Week, May 19 - 25, 2013. (*Kim Belt*)

- C) Presentation of a proclamation to recognize the month of May as Historic Preservation Month in Carson City. *(Mike Drews & Lee Plemel)*
- D) Information Item: Employee recognition of Anna Bell, Jon Kephart, Mark Simpson, Mat Brower, Jeff McGoodwin, Jeff Bradshaw, Dave Whitaker, Alan Kotsull, Tom Grundy, Todd Mitchell, Dave Eisner, Josh Copp, Uriah Wise, David Bruketta and Curtis Horton for their outstanding performance during the emergency repairs of the Wastewater Reclamation Facility. In both February and March of 2013, the Wastewater Reclamation Facility sustained system failures that required immediate attention, hard work and long hours over multiple days to resolve. Because of the employees' dedication, the systems were restored without any violations of the discharge permit.

8. Consent Agenda

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All matters listed under the consent agenda are considered routine and may be acted upon by the Board of Supervisors with one action and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed and acted upon separately during this meeting. The Mayor, or the Mayor Pro-Tem, retains discretion in deciding whether or not an item will be pulled off the consent agenda.

8-1. Treasurer

For Possible Action: To approve the partial removal and partial refund of taxes to the 2012-2013 Real Property Tax Roll on parcels #3-037-01;#10-531-23; #3-033-10; #3-361-13; #2-672-16; #8-031-06; #10-512-22; #8-093-05; #9-463-07 due to donation of Veteran's Exemption to the Veteran's Home. *(Alvin Kramer)*

Staff Summary: Per NRS 361.0905 Section 1, qualified Veteran's Exemption can go to State Veteran's Home established pursuant to NRS 417.145

8-2. Finance

For Possible Action: To accept the report on the condition of each fund in the treasury and the statements of receipts and expenditures through April 23, 2013 per NRS 251.030 and NRS 354.290. *(Nick Providenti)*

Staff Summary: NRS 251.030 requires the Finance Director (for the purpose of the statute acting as the County Auditor) to report to the Board of County Commissioners (or in our case the Board of Supervisors), at each regular meeting thereof, the condition of each fund in the treasury. NRS 354.290 requires the County Auditor to report to the Board of Supervisors a statement of revenues and expenditures based on the accounts and funds as were used in the budget. A more detailed accounting is available on the City's website – www.carson.org.

8-3. Purchasing and Contracts

- A) For Possible Action: To approve Contract No. 1213-144A pursuant to NRS 332.115(1)(b) and NRS 625.530 with Miles Construction, to provide CMAR Pre-Construction Services for the Multi-Use Athletic Center (MAC) through May 30, 2014 for a not to exceed amount of \$25,000.00 to be funded from the Quality of Life/Park Improvements/New Gymnasium Account as provided FY 2012/2013. *(Kim Belt)*

Staff Summary: This contract is to provide Construction Manager at Risk Services for the Multi-Use Athletic Center (MAC) which includes, but is not limited to: participation in regularly scheduled design progress review meetings; provide input on constructability, construction cost, construction duration, sequence of construction, and construction means and methods; development of constructability and value engineering suggestions at each phase of design; development of potential bidders lists; and development of final CMAR constructability and value engineering suggestions (based on 100% construction documents). The firm Miles Construction was selected via RFP #1213-144 – Request for Proposals for Construction Manager at Risk (CMAR).

- B) For Possible Action: To approve Contract No. 1213-170 pursuant to NRS 332.115(1)(b) and NRS 625.530 with BHC Consultants, LLC., to provide Professional Services for 2013 On-Call Environmental Permitting Assistance through June 30, 2014 for a not to exceed amount of \$193,237.00 to be funded from various Water, Wastewater, Stormwater and Landfill Fund Accounts as provided FY 2012/2013 and FY 2013/2014. *(Kim Belt)*

Staff Summary: This contract provides for continuing BHC Consultant services for permitting assistance for the Wastewater Reclamation Plant Permit, Brunswick Springs Permit, and Landfill Operating Permit along with developing a rehabilitation program for the reclaimed water distribution system. The contract will be issued for one (1) year with the option to renew for a second year.

8-4. Carson City Airport Authority

For Possible Action: To approve the Tenth Addendum for the lease between El Aero Services and the Carson City Airport Authority clarifying the tie-down portion of the lease originally titled Mobill Enterprises, recorded Dec 23, 1981 Book 313, Page 172. *(Steve Tackes)*

Staff Summary: At a regular meeting of the Carson City Airport Authority on April 17, 2013, publicly noticed for that purpose, the Authority approved a Tenth Addendum to this lease to clarify the lease areas that are for aircraft tie-down and that the tenant only has the right to use the tie-downs. This is consistent with the historical interpretation and use. The language is clarifying only.

8-5. Parks and Recreation

- A) For Possible Action: To adopt a resolution for the naming of open space properties within Carson City. *(Ann Bollinger)*

Staff Summary: The Open Space Advisory Committee recommends approval for the adoption of a resolution providing for the naming of open space properties, rather than follow the resolution for parks and recreation facilities. The primary differences emphasize that property names should reflect natural or nature-related elements and individual or family names should be reserved for land donations and/or endowments.

- B) For Possible Action: To approve the Open Space Advisory Committee's Bylaws. *(Juan Guzman)*

Staff Summary: In accordance with "Carson City, Nevada Boards, Committees, and Commissions Policies and Procedures," the Carson City Parks and Recreation Commission is submitting their bylaws and mission statement for approval by the Board of Supervisors.

8-6. Public Works

For Possible Action: To approve “CONTINGENT SETTLEMENT AGREEMENT” which would dispose of the lawsuit in *Peek Construction Company v. City and County of Carson City*, Case Number 11-OC-00325-1B (the “Litigation”), pending in Nevada’s First Judicial District Court in and for Carson City. (*Joe Ward/Andrew Burnham*)

Staff Summary: Approval of the subject “CONTINGENT SETTLEMENT AGREEMENT” will provide a favorable resolution to the lawsuit brought by the contractor for the N/S Waterline Project - Phase 1 against the City. The settlement is for \$550,000. The original claim was in excess of \$1,700,000 and two years ago an offer to settle the suit for \$300,000 was made. The original bid by Peek was \$1,991,106 approximately \$500,000 below the average of the next three bids.

(End of Consent Agenda)

9. Recess as Board of Supervisors

Liquor and Entertainment Board

10. Call to Order & Roll Call – Liquor and Entertainment Board

11. Public Works - Business License

For Possible Action: To approve Mark Lopiccio as the liquor manager for Bella Fiore Wines (Liquor License #13-29667) located at 224 S. Carson St., Carson City. (*Lena Reseck*)

Staff Summary: All liquor license requests are to be reviewed by the Liquor Board per CCMC 4.13. Mark Lopiccio is purchasing the business and will be the liquor manager. He is applying for an on-premise and packaged liquor license. Staff is recommending approval.

12. Public Comment

13. For Possible Action: To Adjourn as the Liquor and Entertainment Board

14. Reconvene as the Board of Supervisors

Ordinances, Resolutions, and Other Items

15. Any item(s) pulled from the Consent Agenda will be heard at this time.

16. City Manager

Presentation Only: Presentation of the progress, achievements and plans of the Northern Nevada Development Authority (NNDA). (*Maurice Washington*)

Staff Summary: Deputy Director Maurice Washington will provide an update on NNDA activities.

17. Fire

For Possible Action: To adopt a resolution to enter into an Interlocal Contract between the State of Nevada acting by and through its Department of Conservation and Natural Resources – Nevada Division of Forestry and the Consolidated Municipality of Carson City for the purpose of administering a Wildland Fire Protection Program for wildland fires and other emergencies. *(Stacey Giomi)*

Staff Summary: Under this agreement Carson City will pay the State of Nevada an annual fee to participate in the Wildland Fire Protect Program. In exchange, Carson City will get the use of Nevada Division of Forestry resources to assist in the mitigation of local emergencies and the State of Nevada will pay all of the fire suppression costs for wildland fires which are the jurisdictional responsibility of the City.

18. Finance

- A) For Possible Action: To adopt Bill No. 107, on second reading, an ordinance authorizing the issuance by the City of its “Carson City, Nevada, General Obligation (Limited Tax) Capital Improvement Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2013A,” for the purpose of financing the cost of refunding certain outstanding bonds of the City; ratifying action previously taken toward issuing the proposed bonds and effecting the purpose of their issuance; and providing other matters relating thereto. *(Nick Providenti)*

Staff Summary: This ordinance will authorize the issuance of the Carson City, Nevada, General Obligation (Limited Tax) Capital Improvement Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2013A for the purpose of refunding certain of their previously issued General Obligation bonds, and the City hereby determines that it is necessary and in the best interest of the City and its citizens to refund these bonds for the purpose of effecting interest rate savings.

- B) For Possible Action: To adopt Bill No. 108, on second reading, an ordinance designated by the short title “2013B V&T Refunding Bond Ordinance”; authorizing the issuance by the City of its negotiable “Carson City, Nevada, General Obligation (Limited Tax) V&T Recreation Refunding Bonds (Additionally Secured by Gross Pledged Revenues), Series 2013B,” for the purpose of financing the costs of refunding certain outstanding bonds of the City; providing the form, terms and conditions of the bonds, and other details in connection therewith; providing for the levy and collection of annual general (ad valorem) taxes for the payment thereof; additionally securing their payment by a pledge of revenues derived from the operation of certain recreational facilities and by a pledge of certain license taxes and room taxes fixed and imposed by Carson City; providing other covenants, agreements and details and making other provisions concerning the bonds, such facilities, the general tax proceeds and the revenues pledged for the payment of such bonds; ratifying action previously taken toward issuing the proposed bonds; providing other matters relating thereto; and providing the effective date hereof. *(Nick Providenti)*

Staff Summary: This ordinance will authorize the issuance of the Carson City, Nevada, General Obligation (Limited Tax) V&T Recreation Refunding Bonds (Additionally Secured by Gross Pledged Revenues), Series 2013B for the purpose of refunding certain of their previously issued General Obligation bonds, and the City hereby determines that it is necessary and in the best interest of the City and its citizens to refund these bonds for the purpose of effecting interest rate savings.

- C) For Possible Action: To adopt Bill No. 109, on second reading, an Ordinance authorizing the issuance by the City of its “Carson City, Nevada, General Obligation (Limited Tax) Park Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2013C,” for the purpose of refinancing certain outstanding bonds previously issued for Parks, Trails and Recreational Facilities; ratifying action previously taken toward issuing the proposed bonds and effecting the purpose of their issuance; and providing other matters relating thereto. (*Nick Providenti*)

Staff Summary: This ordinance will authorize the issuance of the Carson City, Nevada, General Obligation (Limited Tax) Park Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2013B for the purpose of refinancing certain outstanding bonds previously issued for Parks, Trails and Recreational Facilities, and the City hereby determines that it is necessary and in the best interest of the City and its citizens to refund these bonds for the purpose of effecting interest rate savings.

19. Health & Human Services

For Possible Action: To introduce, on first reading, an ordinance amending the Carson City Municipal Code Title 7, Animals, Chapter 7.13 Licensing and Regulations, by amending the chapter to change the name from Animal Control Center to Animal Services and from Animal Director to Animal Services Manager, and by updating the chapter regarding the animal services department’s and officer’s duties, and to revise and eliminate certain provisions, and by amending Section 7.13.010, Definitions, to alphabetize and amend and add new definitions, and by updating Section 7.13.020 Carson City Animal Control Use, to update the powers of animal services and relocating some existing provisions, and by amending Section 7.13.030, Animal Services Director - Animal Services Officers - Powers and Duties, to change the section name and duties of the animal services officers/sheriff/authority regarding animal calls, and by amending Section 7.13.040, Carson City Sheriff and Deputies, to change the section name and to provide for a collections, disbursement, and fee schedule, and by amending Section 7.13.050, Collections and Disbursements, to change the section name and duties, and by amending Section 7.13.060, Use of Tranquilizer Gun, Other Devices, in Controlling Animals, to change the section name and duties, and by amending Section 7.13.070, Search and Seizures, to change the name and duties regarding the impounding and reclaiming of animals, and by amending Section 7.13.080, Resisting or Obstructing Animal Services Officers, Health Officer, or Sheriff or Deputies, Unlawful, to change the section name and responsibility of owner, and by amending Section 7.13.090, Rabies Vaccination of Dogs, Cats and Ferrets Required - Revaccination Required - Exceptions, to change the name and amend Section 7.13.100, Animal Service Tags, Permits, and Fees, to rename it as dangerous/vicious and by amending Section 7.13.110 Restraining Animals - Sanitation, to change the section name to prohibited activities and to include the provisions previously included in 7.13.210, and by amending Section 7.13.120 Dogs Running at Large - Impounds, to change the chapter name and duties and include the provisions previously contained in 7.13.520 through 7.13.540 and 7.13.570, and to include the criminal offense for any person who refuses to relinquish any domestic animal to animal services after finding such animal, and by amending Section 7.13.130, Reserved, to change the section name and include the penalty provisions previously in 7.13.610, and expand the allowable fine amount from \$500.00 to \$1000.00 per offense and add the provision that a criminal penalty must be imposed for any offense which pertains to the bites of animals, vicious or dangerous dogs, or cruelty to animals and permit a judge, in addition to other penalties, to have the discretion to order the dog humanely destroyed, and by amending Section 7.13.140 Conditions for Release of Impounding Dog, to delete the section title and to include the provision previously contained in 7.13.620, and by deleting Sections 7.13.145 through 7.13.620, and other matters properly related thereto. (*Marena Works*)

Staff Summary: The proposed changes to Title 7, Chapter 7.13, update, combine and clarify the existing code and necessary changes were made to ensure our code did not conflict with NRS. This update eliminates repetitive language, reorganizes the regulation to flow in a systematic way, adds a fee schedule and states where such fees are to be credited. Some added language includes verbiage on adoption, strays and the powers and duties of Animal Services.

20. Public Works - Planning

- A) For Possible Action: To provide direction to staff regarding possible amendments to Title 18, Zoning, Chapter 18.03, Definitions, and Chapter 18.04, Use Districts, regarding the number of dogs that constitute a “kennel” for the purpose of zoning regulations. (*Lee Plemel*)

Staff Summary: The Animal Control Division is proposing revisions to Title 7 Animals, which include amendments regarding the number of dogs that may be kept without being considered a commercial kennel. Depending on the action taken on the Title 7 amendments, Title 18 may need to be amended to provide consistency with the regulations pertaining to kennels and the number of dogs that may be kept at a residence.

- B) For Possible Action: To introduce, on first reading, an ordinance approving a development agreement between Carson City and Combs Canyon, LLC, regarding the development of a subdivision known as Combs Canyon II, located on approximately 25 acres on the east side of Combs Canyon Road, north of Timberline Drive, APN 009-193-01, to extend the approval of the tentative map and other matters properly related thereto. (*Lee Plemel*)

Staff Summary: The primary purpose of the development agreement is to extend the initial approval of the tentative subdivision map, which would expire on May 17, 2013. The subdivision would consist of 19 single family residential lots. Per NRS and the Carson City Municipal Code, the approval may only be extended by approval of a development agreement. No other modifications to the proposed development are requested.

21. Public Works - Landfill

PUBLIC HEARING:

- A) For Possible Action: To find that the proposed ordinance amending the Carson City Municipal Code Title 12 - Water, Sewerage and Drainage, Chapter 12.12 - Solid Waste Management, Section 12.12.047 - Landfill Rates and Fees; by modifying rate classes, annually adjusting In-County Fees (1,000 lbs or greater) for MSW Compacted Category and other matters properly related thereto, does impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business and that a business impact statement has been prepared, accepted and is on file with the Board of Supervisors and that the requirements of the act have been met. (*Andrew Burnham*)

Staff Summary: The Business Impact Statement is required since staff is recommending that the Board of Supervisors consider using an indexed rate increase to help cover inflationary costs at the Carson City Landfill. This would only apply to the MSW Compacted Category or only Capital Sanitation who receives the indexed increase as part of their franchise.

- B) For Possible Action: To introduce, on first reading, an ordinance amending the Carson City Municipal Code Title 12 - Water, Sewerage and Drainage, Chapter 12.12 - Solid Waste Management, Section

12.12.047 - Landfill Rates and Fees; by modifying rate classes, annually adjusting In-County Fees (1,000 lbs or greater) for MSW Compacted Category and other matters properly related thereto. (*Andrew Burnham*)

Staff Summary: The proposed ordinance amendment will help cover inflationary costs at the Carson City Landfill and will only impact the one categorical user, Capital Sanitation Company. Under the Solid Waste and Recyclable Material Franchise Agreement, Capital Sanitation Company already receives this index rate increase annually.

22. Board of Supervisors

Non-Action Items:

Legislative matters - no Board action will be taken - the Mayor may give limited staff direction regarding staff work and/or future agenda item(s).

Status review of projects

Internal communications and administrative matters

Correspondence to the Board of Supervisors

Status reports and comments from the members of the Board

Staff comments and status report

– LUNCH BREAK –

– RETURN – APPROXIMATE TIME – 2:00 P.M. –

23. City Manager

- A) For Possible Action: To approve an Amended and Restated Golf Course Lease Agreement for the Carson City Municipal Golf Corporation for the operation and maintenance of the two golf courses known as Eagle Valley East and Eagle Valley West changing the lease payment from an annual payment of \$120,000 to a monthly payment of 6% of gross revenues and making other modifications thereto. (*Larry Werner*)

Staff Summary: Staff is recommending that the Board of Supervisors continue its relationship with the Carson City Municipal Golf Corporation to operate the two golf courses through a modified lease where the annual lease payment is changed from a fixed amount to a monthly 6% of gross revenue payment. In addition to modifications of the lease payment, there are modifications to the lease agreement to reflect current distribution of responsibility for maintenance.

- B) For Possible Action: To approve and authorize the Mayor to sign Amendment No. 5 to the Ground Lease between The Seasons Limited Partnership (Autumn Village) and Carson City which retroactively clarifies, and waives past inconsistent tax accrual, that the consideration for the lease is in part a payment in lieu of ad valorem taxes for this tax exempt entity and such payment is calculated as a normal ad valorem tax but only that portion of the tax attributable to Carson City's portion of the tax is payable under the lease. (*Larry Werner*)

Staff Summary: The Ground Lease, as amended, involves APN 002-121-15. Paragraph 2 of the Ground Lease provides that rent shall be fixed as one dollar (\$1.00), and it was the intent of the parties that the

means to calculate the contractual obligation was the treatment of the leasehold as “taxable.” Autumn Village qualifies under NRS 361.082 as tax exempt. Any “ad valorem tax” owed from Autumn Village to Carson City is exclusively a contractual obligation to the City and no other legal entity that might have benefitted from the “tax” has any interest in the Ground Lease between the parties.

- C) For Possible Action: Discussion and possible action to authorize the Mayor to sign a letter to the University of Nevada, Reno (UNR) to convey the Board’s position of the proposal to merge University of Nevada Cooperative Extension and the College of Agriculture, Biotechnology and Natural Resources under one dean. *(Larry Werner)*

Staff Summary: At the April 18th Board of Supervisors meeting UNR President Marc Johnson provided a presentation and answered questions regarding the proposal. Public comment followed the presentation.

- D) For Possible Action: Discussion and possible action to convey to the 2013 Legislature the Board's position on AB312, as amended, a bill to modify the City's Charter to provide for the appointment of Charter Committee members by public officials instead of nominating Charter Committee members and to set the date of appointment as January 1 and to advise the Legislature directly of any recommended changes to the City's Charter. *(Larry Werner)*

Staff Summary: The Board elected not to support the original language of AB312 which proposed to modify the current City Charter whereby the legislators representing Carson City and the Board of Supervisors nominate at least one person to serve on the Charter Review Committee. The Board of Supervisors then would determine the size of the committee and appoint members from those nominated. There has been a long history for this process and at the time that the Charter Review Committee was placed in the Charter, this issue was discussed and determined that this was the appropriate method for appointment to the committee. This issue was brought up to the Charter Review Committee in 2012 and the Charter Review Committee determined again that the current method is the appropriate method. AB312 as passed out of the Assembly was amended to further change Carson City's Charter to provide that the Charter Review Committee would present its recommendations directly to the legislature. The current City Charter states that the Charter Review Committee would meet jointly with the Board of Supervisors and advise the Board with regard to the recommendations.

- 24. **Public Comment:** The public is invited at this time to comment on any matter that is not specifically included on the agenda as an action item. No action may be taken on a matter raised under this item of the agenda.

25. **For Possible Action: To Adjourn**

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Agenda Management Notice - Items on the agenda may be taken out of order; the public body may combine two or more agenda items for consideration; and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.
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Copies of information related to the above items can be viewed in the City Manager’s Office.
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Titles of agenda items are intended to identify specific matters. If you desire detailed information concerning any subject matter itemized within this agenda, you are encouraged to call the responsible agency or the City Manager’s Office. You are encouraged to attend this meeting and participate by commenting on any agenda item.
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Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the City Manager's Office in writing at 201 North Carson Street, Carson City, NV, 89701, or by calling (775)887-2100 at least 24 hours in advance.

This meeting can be viewed on Channel 226. For specific dates and times - www.bactv.org.

This agenda and backup information are available on the City's website at

www.carson.org/agendas

This notice has been posted at the following locations:

Community Center 851 East William Street
Public Safety Complex 885 East Musser Street
City Hall 201 North Carson Street
Carson City Library 900 North Roop Street
Business Resource & Innovation Center (BRIC) 108 East Proctor Street

Date: April 25, 2013