

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

Day: Thursday
Date: February 16, 2017
Time: Beginning at 8:30 am
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 - Nick Emery, Good Shepherd Wesleyan Church**
- 4. Pledge of Allegiance**
- 5. Public Comment:****
The public is invited at this time to comment on and discuss any topic that is relevant to, or within the authority of this public body.
- 6. For Possible Action: Approval of Minutes - January 19, 2017**
- 7. For Possible Action: Adoption of Agenda**
- 8. Special Presentations**
 - 8.A Presentation of Length of Service certificates to City employees. (Melanie Bruketta, mbruketta@carson.org)

Staff Summary: Each month the Board of Supervisors presents Length of Service certificates to employees who have completed 5, 10, 15, 20, 25 and 30 years of City service.
- 9. Recess as the Board of Supervisors**

Liquor and Entertainment Board
- 10. Call to Order & Roll Call - Liquor and Entertainment Board**

11. Public Comment:**

The public is invited at this time to comment on and discuss any topic that is relevant to, or within the authority of this public body.

12. For Possible Action: Approval of Minutes - December 1, 2016

13. Community Development - Business License

13.A For Possible Action: To approve Jason Brown as the liquor manager for Capital Beverages, Inc. (Liquor License #17-3962) located at 2333 Fairview Drive. (Lena Reseck, lreseck@carson.org)

Staff Summary: All liquor license requests are to be reviewed by the Liquor and Entertainment Board per CCMC 4.13. Capital Beverages, Inc. is updating the license with a new liquor manager. The applicant has met the requirements per CCMC 4.13.125 and staff is recommending approval.

13.B For Possible Action: To approve Kurt Brown as the liquor manager for Palidin LLC (Liquor License #17-31666) located at 2039 S. Lompa Lane. (Lena Reseck, lreseck@carson.org)

Staff Summary: All liquor license requests are to be reviewed by the Liquor and Entertainment Board per CCMC 4.13. Palidin LLC is applying for a wholesale beer and wine liquor license. The applicant has met the requirements per CCMC 4.13.125 and staff is recommending approval.

13.C For Possible Action: To approve Ryan Walker as the liquor manager for Flat Earth LLC dba Thick Slice Pizza (Liquor License #17-31680) located at 2010 E. William Street. (Lena Reseck, lreseck@carson.org)

Staff Summary: All liquor license requests are to be reviewed by the Liquor and Entertainment Board per CCMC 4.13. Flat Earth LLC dba Thick Slice Pizza is applying for an on-premise beer and wine only license. The applicant has met the requirements per CCMC 4.13.125 and staff is recommending approval.

14. 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.

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

16. Reconvene as the Board of Supervisors

Consent Agenda

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 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.

17. City Manager

17.A For Possible Action: To ratify the approval of bills and other requests for payments by the City Manager for the period of January 7, 2017 thru February 3, 2017. (Nick Marano, nmarano@carson.org)

Staff Summary: All bills or other requests for payment verified per CCMC 2.29 shall be presented by the Controller, together with the register book of demands and warrants to the City Manager who shall audit the same, and if found authorized, correct and legal, shall signify by his signature, as agent for the board, upon the register book of demands and warrants those demands which are approved or disapproved by him. Upon approval, the warrants, as prepared aforesaid, shall issue. The City Manager shall then cause the register book of bills and other requests for payment and warrants to be presented at least once a month to the board of supervisors, who shall by motion entered into its minutes, ratify the action taken on the bills or other requests for payment.

18. Finance

18.A For Possible Action: To accept the report on the condition of each fund in the treasury and the statements of receipts and expenditures through February 3, 2017 per NRS 251.030 and NRS 354.290. (Nancy Paulson, npaulson@carson.org)

Staff Summary: NRS 251.030 requires the Chief Financial Officer (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.

18.B For Possible Action: To approve the application to remove the uncollectible accounts receivable specified in the application from the records of the Ambulance Fund for a total amount of \$300,717.47 in uncollectible accounts receivable. (Nancy Paulson, npaulson@carson.org)

Staff Summary: NRS 354.256 requires that the Controller apply to the Board for permission to remove uncollectible accounts receivable from the records of the County.

(End of Consent Agenda)

Ordinances, Resolutions, and Other Items

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

20. Purchasing and Contracts

20.A For Possible Action: To approve Amendment No. 2 to Contract 1314-201 Conflict Counsel, with the consortium of Robert B. Walker, Noel S. Waters and Michael C. Novi, to remove Michael C. Novi from the contract and replace with Kay Ellen Armstrong, a qualified and licensed attorney for \$10,381.03 each month through June 30, 2017. (Laura Rader, LRader@carson.org and Max Cortes, MCortes@carson.org)

Staff Summary: The City has terminated the services of Mr. Michael Novi effective January 31, 2017. Due to the nature of Mr. Novi's cases and clients, it is imperative to have no lapse in representation of his former clients. The original contract was approved at the June 19, 2014 Board of Supervisor's meeting and will expire June 30, 2017. The original contract was also previously amended on February 19, 2015 to remove an attorney.

20.B For Possible Action: To approve Contract No. 1617-111 for Vehicle Tires, Tubes, and Services with Michelin North America, Inc., The Goodyear Tire and Rubber Company, and Bridgestone Americas Tire Operation, LLC through Joinder Contract No. 7962 with the State of Nevada through March 31, 2019 for a not to exceed annual amount of \$175,000 to be funded from the Fleet-Inventory: Materials/Auto Parts Account in the Fleet Management Fund. (Laura Rader, LRader@carson.org and Zach Good, ZGood@carson.org)

Staff Summary: In previous years the City of Carson City has utilized the State of Nevada tire contract to purchase tires. This contract provides tires, tubes and related tire services for the City of Carson City.

21. Finance

21.A For Possible Action: To authorize the City to relinquish entitlement status for the FY 2018 Community Development Block Grant (CDBG) funding cycle and direct the Finance Department to work with the State of Nevada to develop a grant agreement to receive CDBG funding through an allocation from the State Administered CDBG Program. (Nancy Paulson, NPaulson@carson.org)

Staff Summary: In discussing funding options with the U.S. Department of Housing and Urban Development, staff was informed that there might be a potential to increase CDBG funding and decrease City administration time if the City were to relinquish entitlement status and instead receive funding through an allocation from the State Administered CDBG Program. There is a tremendous amount of administration time required to maintain a CDBG Entitlement Program. Approximately 50% of the Grants Administrator's time has been spent on this program annually. If we revert to the State's program, many of the administrative functions would shift to the State allowing the City's Grant Administrator to focus on Citywide grant administration and compliance.

21.B For Possible Action: To allow the Finance Department to delete capital assets from the City's Capital Asset Listings for fiscal year 2016. (Nancy Paulson, npaulson@carson.org)

Staff Summary: The Finance Department, in concurrence with our auditors, Eide Bailly, request that they be allowed to delete assets from the Governmental Funds Capital Asset Listing with a book value of \$20,445 and \$9,159 from the Business Type Activity Funds

Capital Asset Listing. These deletions have been reflected in the City's FY 2016 Comprehensive Annual Financial Report (CAFR).

21.C For Possible Action: Presentation, discussion and possible direction regarding assumptions staff will use to prepare Carson City's Budget for FY 2017–2018. (Nancy Paulson, npaulson@carson.org)

Staff Summary: Staff needs direction from the Board on assumptions for building the FY 2017-2018 Budget for Carson City. The main item is setting the property tax rate to be used. The Department of Taxation requires all local governments to inform them of the rate they intend to use by February 22, 2017.

22. Public Works

22.A For Discussion Only: Presentation regarding encroachment permit requirements for outdoor dining and merchandise display. (Danny Rotter, DRotter@carson.org and Stephanie Hicks, SHicks@carson.org)

Staff Summary: With nearing completion of the Downtown Streetscape Enhancement Project, downtown businesses are eager to utilize the new streetscape and McFadden Plaza for outdoor dining and merchandise display. There are currently no ordinance provisions for the issuance of an encroachment permit. Staff has prepared a policy document and application checklist for the issuance of such a permit.

23. Community Development - Planning

23.A For Possible Action: To approve an Abandonment of Public Right-of-Way application from Carson City Public Works (property owner: City of Carson City) to abandon approximately 30,297 square feet of public right-of-way, an area 60 foot wide and up to 508.94 foot long known as Hemlock Street, between Silver Sage Drive and Center Drive, on property adjacent to 501 Arthur Street, 601 Arthur Street, 5320 Center Drive, 420 Clear Creek Avenue and 480 Clear Creek Avenue, APN's 009-236-02, 009-236-03, 009-236-04, 009-239-03 and 009-239-04. (Reference AB-16-186) (Lee Plemel, lplemel@carson.org)

Staff Summary: Pursuant to NRS 278.480 and CCMC Title 17, the applicant is proposing the abandonment of an unimproved area known as Hemlock Street between Silver Sage Drive and Center Drive. The Planning Commission makes a recommendation on all Abandonment requests and the Board of Supervisors will make the final decision regarding the request.

24. 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).

Future agenda items

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 - 1:30 P.M. --

25. Community Development - Planning

25.A For Possible Action: To approve a Master Plan Amendment to amend Goal 1.5e of the Master Plan to provide for future aboveground utility corridors to be shown on the Land Use Map of the Master Plan in compliance with NRS 278.165. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: Nevada Revised Statutes (NRS) 278.150-170 requires the inclusion of an aboveground utility plan in the City's Master Plan. The proposed amendment adds language to the Master Plan that recognizes that the City will work with the local energy utility with respect to the designation of future aboveground utility corridors on the Land Use Map of the Master Plan. At this time, there are no corridors planned. The proposed amendment is necessary to comply with State law.

25.B For Possible Action: To adopt Bill No. 104, on second reading, an ordinance amending the Carson City Municipal Code Title 4, Licenses and Business Regulations, Chapter 13, Liquor Board and Liquor License and Sales, by amending Section 4.13.010, Definitions, to modify existing definitions for "Beer", "Business License Division", "Director" and "Wine", and to add definitions for "Brew Pub", "Brewery", "Craft Distillery", "Intoxicating Liquor", "License", "On Premise" and "Wholesale Dealer"; amending Section 4.13.020, Meetings of Board-Quorum-Voting-Compensation-Chairman-Clerk, to state that the mayor shall serve as the Board chair; amending Section 4.13.030, Powers and Duties of the Board, to allow for the appointment of a Hearings Officer to grant or deny applications and to consider appeals of Hearings Officer decisions; adding Section 4.13.035, Powers and Duties of the Hearings Officer, to set forth duties for the Hearings Officer; amending Section 4.13.040, License Required, to state that failure to obtain a license is a misdemeanor; adding Section 4.13.045, Fees, to identify the right to set certain fees and establish a fee schedule; amending Section 4.13.050, Classes of Licenses-Separate Entity, to add Brew Pub, Brewery and Craft Distillery Liquor Licenses; amending Section 4.13.060, Application for License, to change the application for a license from the Board to the Hearings Officer and to require a sworn affidavit by the Liquor Manager that all employees will complete server training; amending Section 4.13.070, Investigation-Fees, to exempt wholesale dealers from the background investigation requirement and to remove specific fee amounts; amending Section 4.13.080, Investigations-Duties of Sheriff, to change the reporting of background investigations from the Board to the Business License Division; amending Section 4.13.100, License-Procedure, to change the consideration of licenses for approval and denial from the Board to the Hearings Officer and to exempt wholesale dealers from the appearance requirement; adding Section 4.13.102, Appeals, to set forth provisions for the appeal of Hearings Officer Decisions to the Board; amending Section 4.13.105, License-Application Fees, to remove specific fee amounts, to allow for the refund of the application fee in the event of license denial and to allow a 50 percent refund if the applicant doesn't go into business; amending Section 4.13.110, License-Fees, to remove specific fee amounts, to state that license fees will be prorated and to modify provisions for penalties related to non-payment of license fees; amending Section 4.13.115, Death of or Change to Person Listed on a License, to require that an updated application be filed when the liquor manager changes and that a change in liquor manager requires approval by the Hearings Officer; amending Section 4.13.120, License-Transferability, Use and Reactivation, to allow

for certain changes to existing licenses, to allow for the serving, sale and dispensing of alcohol in the public right-of-way with an encroachment permit, to allow for reactivation of existing licenses under certain circumstances and to remove specific fee amounts; amending Section 4.13.125, Issuance or Denial of License, to change the granting or denying of licenses from the Board to the Hearings Officer, to state that conditions of approval may include, but not be limited to, the payment of delinquent city fees, fines or taxes prior to the issuance of the license, to add an additional offense within the last five years which would make a person unsuitable for a liquor license and to allow for proof of an approved payment plan or similar arrangement when a person is in arrears in child support payments; changing Section 4.13.135, Reactivation of Prior Existing License to Section 4.13.135, Enforcement Authority, and to outline various enforcement duties; amending Section 4.13.140, Grounds for Disciplinary Action, to state that grounds for disciplinary action will include the selling or dispensing of liquor not purchased from a state-licensed wholesale dealer pursuant to NRS, to add a provision consistent with NRS that the Board has the power to recommend to the State Department of Taxation suspension or revocation of a license; amending Section 4.13.150, Disciplinary Action Procedure and Penalties, to allow the Sheriff to recommend investigation of the conduct of any licensee, to allow the director to investigate the conduct of any licensee, to change the timeframe in which a penalty may be imposed for criminal citations from six months to 12 months, to reduce the fine for the third offense for criminal citations related to the sale of liquor from \$1,500.00 to \$1,000.00, to add a provision consistent with NRS that the Board has the right to suspend or revoke summarily any license under certain circumstances and to change the annual activity report due date from December to January; amending Section 4.13.210, Possession of Open Liquor and Consumption of Liquor in Public Prohibited, to provide an exception when an encroachment permit is obtained to occupy the public right-of-way adjacent to the business. (Susan Pansky, SPansky@carson.org and Adriana Fralick, AFralick@carson.org)

Staff Summary: The Board of Supervisors has requested various changes to the Liquor Ordinance, primarily to allow for the review of liquor license applications by a Hearings Officer, to provide a background check and appearance exemptions for wholesale dealers, to allow for the selling, serving and dispensing of alcohol within the public right-of-way adjacent to a business holding a valid liquor license with the approval of an encroachment permit and to remove specific fee amounts from the ordinance in favor of adopting them separately by resolution.

25.C For Possible Action: To adopt a Resolution moving specific fee amounts for liquor license fees from the Carson City Municipal Code Title 4, Licenses and Business Regulations, Chapter 13, Liquor Board and Liquor License and Sales, to a separate fee schedule which will be maintained by the Business License Division and which may be amended with approval of the Board of Supervisors. (Susan Pansky, SPansky@carson.org)

Staff Summary: This Resolution is proposed in conjunction with the amendment to the Liquor Ordinance and will remove specific fee amounts from the Liquor Ordinance in favor of adopting them in a separate fee schedule. Adopting fees separately by Resolution will allow for future amendments without amending the Liquor Ordinance. Modifications to existing fee amounts are not proposed.

25.D For Possible Action: To introduce, on first reading, an ordinance amending Title 8, Public Peace, Safety and Morals, by amending Chapters 8.08, Nuisances, and 8.09,

Enforcement Provisions for Nuisances, to better clarify the manner in which nuisances are to be abated; making certain other conforming changes. (Iris Yowell, iyowell@carson.org)

Staff Summary: The ordinance proposes to amend sections of the Code as follows:

SUBSTANTIVE CHANGES: Section 8.08.020, to clarify that the scope of Chapter 8.08, Nuisances, includes lodging. Section 8.08.030, to include residential motels within the definition of "building" and defining a "residential motel" as one with six (6) or more units that are used by non-transient guests who remain longer than twenty-eight (28) days. Repealing Sections 8.08.040, 8.08.080, 8.08.150 and 8.08.190, because those sections presently overlap in describing the nature of nuisance violations and the penalties for nuisances, and replacing those sections with a new Section 8.08.095, which consolidates prohibited acts and an escalating system of enforcement in one section. Section 8.08.070, to add to the list of nuisances per se: Conditions that are hazards under the International Property Maintenance Code, and nuisances listed in the section which occur on the premises of a residential motel. Section 8.08.105, for the abatement of chronic nuisances, to direct the District Attorney to act in cooperation with enforcement officials, to clarify that notice and an opportunity for a hearing is required before property is secured or closed, and to direct that situations requiring emergency action be addressed using the procedures for summary abatement. Section 8.08.160, to provide that an occupant of a property, building or premises that is to be demolished as unsafe or dangerous need not be given relocation assistance or be considered a displaced person if the occupant caused the nuisance condition. Section 8.09.110, to clarify that administrative penalties may include administrative fines, and that the imposition of an administrative penalty does not exclude the imposition of abatement costs incurred by the city. Section 8.09.290, to add procedural protections in the event of summary abatement, such that the owner must be served with a notice of imminent danger, to set forth the required contents of the notice of imminent danger, and to clarify that "imminent danger" involves a condition requiring rapid action. Section 8.09.300, to add to the process of summary abatement: Notice, a hearing, and the opportunity to appeal the results of the hearing to a court, but on a more condensed time-scale than other enforcement actions. Section 8.09.350, to require a hearing officer to have training in administrative law or equivalent experience. Sections 8.09.390, 8.09.400, 8.09.450, 8.09.470 and 8.09.480, to recognize the shortened periods for notice and action within the process of summary abatement.

NON-SUBSTANTIVE CHANGES: Section 8.08.050, to maintain parallel sentence structure. Section 8.08.090, to add missing prefatory language. Section 8.08.100, to make technical changes. Section 8.08.120, to make conforming changes with the rest of the ordinance. Section 8.08.140, to maintain parallel structure (related: Section 8.09.050 is repealed because it duplicates Section 8.08.140). Section 8.08.180, to add omitted words. Section 8.09.020, to add omitted words. Section 8.09.060, to correct grammar. Sections 8.09.080 and 8.09.100, to add language so that those sections read more logically. Section 8.09.130, to add an omitted cross-reference. Section 8.09.150, to add missing articles. Sections 8.09.170 and 8.09.190, adding language to make the sections read more logically. Section 8.09.310, to correct erroneous language. Section 8.09.490, to make technical changes and add a cross-reference.

26. 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.

27. For Possible Action: To Adjourn

**PUBLIC COMMENT LIMITATIONS - The Mayor and Supervisors meet at various times as different public bodies: 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. Each, as called to order, will provide at least two public comment periods in compliance with the minimum requirements of the Open Meeting Law prior to adjournment. In addition, it is Carson City's aspirational goal to also provide for item-specific public comment as follows: In order for members of the public to participate in the public body's consideration of an agenda item, the public is strongly encouraged to comment on an agenda item when called for by the mayor/chair 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, Mayor Pro-Tem and Chair, also retain discretion to only provide for the Open Meeting Law's minimum public comment and not call for or allow additional individual-item public comment at the time of the body's consideration of the item when: 1) it is deemed necessary by the mayor/chair to the orderly conduct of the meeting; 2) it involves an off-site non-action facility tour agenda item; or 3) it involves any person's or entity's due process appeal or hearing rights provided by statute or the Carson City Municipal Code.

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.

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.

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.

To request a copy of the supporting materials for this meeting contact Janet Busse at jbusse@carson.org or call (775) 887-2100.

This agenda and backup information are available on the City's website at www.carson.org/agendas and at the City Manager's Office - City Hall, 201 N. Carson Street, Ste 2, Carson City, Nevada (775)887-2100.

This notice has been posted at the following locations:
Community Center 851 East William Street
Courthouse 885 East Musser Street
City Hall 201 North Carson Street
Carson City Library 900 North Roop Street
Community Development Permit Center 108 East Proctor Street
<http://notice.nv.gov>