

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the February 5, 2009 Meeting**

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, February 5, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

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

**STAFF:** Larry Werner, City Manager  
Alan Glover, Clerk - Recorder  
Neil Rombardo, District Attorney  
Kathleen King, Recording Secretary

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

**CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:30:34) -** Mayor Crowell called the meeting to order at 8:30 a.m. Roll was called; a quorum was present. First Presbyterian Church Pastor Alan Dorway gave the invocation. Mr. Glover led the pledge of allegiance. Mayor Crowell read an inspirational quote into the record.

**PUBLIC COMMENTS AND DISCUSSION (8:32:08) -** Mayor Crowell entertained public comment; however, none was forthcoming.

**1. ACTION ON APPROVAL OF MINUTES - January 5, 2009 (8:32:40) -** Supervisor Aldean moved to approve the minutes, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

**2. CHANGES TO THE AGENDA (8:33:27) -** Open Space / Property Manager Juan Guzman requested to remove item 8(D) from the agenda. Supervisor Livermore advised of having been informed that the fees which are the subject of item 3(B) had been paid. Senior Permit Technician Lena Tripp advised that the fees which are the subject of item 3(C) had also been paid. Mayor Crowell removed items 3(B), 3(C), and 8(D).

**RECESS BOARD OF SUPERVISORS (8:37:11) -** Mayor Crowell recessed the Board of Supervisors.

**LIQUOR AND ENTERTAINMENT BOARD**

**CALL TO ORDER AND ROLL CALL (8:37:13) -** Chairperson Crowell called the Liquor and Entertainment Board to order at 8:37 a.m. A quorum of the board was present; Member Furlong was absent.

**ACTION ON APPROVAL OF MINUTES (8:37:42) -** None.

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**3. DEVELOPMENT SERVICES - BUSINESS LICENSE**

**3(A) ACTION TO APPROVE KATHRYN IRENE PIERSON AS THE LIQUOR MANAGER FOR THE PACKAGED LIQUOR LICENSE FOR LONG'S DRUG STORE, LOCATED AT 3240 HIGHWAY 50 EAST, CARSON CITY, INCLUDING THE NON-REFUNDABLE INVESTIGATION FEE OF \$75.00** (8:37:48) - Senior Permit Technician Lena Tripp introduced this item, and reviewed the agenda report. Ms. Pierson acknowledged having been employed at Long's Drug Store for a number of years. In response to a question, she advised that the subject application was "all part of the re-licensing with CVS and Long's."

Chairperson Crowell entertained additional discussion and, when none was forthcoming, a motion. **Member Livermore moved to approve Kathryn Irene Pierson as the liquor manager for the packaged liquor license for Long's Drug Store, located at 3240 Highway 50 East, Carson City, including the non-refundable investigation fee of \$75.00. Member Williamson seconded the motion. Motion carried 5-0.**

**3(B) ACTION TO REVOKE A PACKAGED LIQUOR LICENSE FOR CHHOUN RETH DBA CR GAS, LOCATED AT 4340 NORTH CARSON STREET, CARSON CITY, DUE TO NON-PAYMENT OF FIRST QUARTER 2009 LIQUOR LICENSE FEES IN THE AMOUNT OF \$200.00, PURSUANT TO CCMC 4.13.140** - Withdrawn

**3(C) ACTION TO REVOKE A WHOLESALE LIQUOR LICENSE FOR BLANCA ELIZABETH GUTIERREZ DBA NOVEDADES GUTIERREZ, LOCATED AT 1501 EAST FIFTH STREET, SUITE 102, CARSON CITY, DUE TO NON-PAYMENT OF FIRST QUARTER 2009 LIQUOR LICENSE FEES IN THE AMOUNT OF \$200.00, PURSUANT TO CCMC 4.13.140** - Withdrawn.

**ACTION TO ADJOURN THE LIQUOR AND ENTERTAINMENT BOARD** (8:39:25) - Chairperson Crowell adjourned the Liquor and Entertainment Board at 8:39 a.m.

**RECONVENE BOARD OF SUPERVISORS** (8:39:29) - Mayor Crowell reconvened the Board of Supervisors.

**4. BOARD OF SUPERVISORS CONSENT AGENDA** (8:39:34) - Mayor Crowell entertained requests to hear items separate from the consent agenda. Supervisor Livermore requested to separately hear item 4-5. Mayor Crowell entertained additional requests and, when none were forthcoming, a motion. **Supervisor Livermore moved to approve the consent agenda, consisting of nine items: 4-1, Development Services Engineering; five items from Purchasing and Contracts, (A), (B), (C), (D), and (E); two items from Public Works, 4-3(A) and (B); one item from Health and Human Services, 4-4, as presented. Supervisor Aldean seconded the motion. Motion carried 5-0.**

**4-1. ACTION TO APPROVE DEDICATION OF A PORTION OF HELLS BELLS ROAD FOR PUBLIC ROADWAY PURPOSES, FROM VIDLER WATER COMPANY, INC. TO CARSON CITY, CONTAINING 13,196 SQUARE FEET ±, FROM APN 010-681-07**

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**4-2. PURCHASING AND CONTRACTS**

**4-2(A) ACTION TO FIND THAT JOHN BOWER, M.D. IS QUALIFIED TO SERVE AS THE CARSON CITY HEALTH OFFICER; TO APPOINT JOHN BOWER, M.D. AS THE CARSON CITY HEALTH OFFICER PURSUANT TO CCMC 9.01.030 TO CCMC 9.01.050; TO SET THE COMPENSATION FOR THE HEALTH OFFICER AT A NOT-TO-EXCEED AMOUNT OF \$15,000.00 PER CALENDAR YEAR, TO BE PAID IN EQUAL MONTHLY PAYMENTS OF \$1,250.00 EACH; TO DETERMINE THAT CONTRACT NO. 0809-133 IS A CONTRACT FOR PROFESSIONAL SERVICES AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 0809-133, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY JOHN BOWER, M.D., AS THE CITY HEALTH OFFICER FOR THE HEALTH AND HUMAN SERVICES DEPARTMENT THROUGH DECEMBER 31, 2010, FOR A NOT-TO-EXCEED COST OF \$15,000.00 PER CALENDAR YEAR TO BE FUNDED FROM THE HEALTH PROFESSIONAL SERVICES FUND, AS PROVIDED IN FY 2008 / 2009**

**4-2(B) ACTION TO APPROVE THE RENEWAL OF CONTRACT NO. 0405-060 WITH HYDRO TECH, INC. TO PROVIDE CLEANING OF SEWER MAINS ON AN AS-NEEDED BASIS THROUGH DECEMBER 15, 2009 FOR AN AMOUNT NOT TO EXCEED \$75,000 FROM THE SEWER OPERATIONS FUND, AS PROVIDED IN FY 2008 / 2009 AND FY 2009 / 2010**

**4-2(C) ACTION TO DETERMINE THAT CONTRACT NO. 2006-186, GONI WASH - LETTER OF MAP REVISION PROJECT IS A CONTRACT FOR PROFESSIONAL SERVICES AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPROVE AMENDMENT NO. 1 FOR CONTRACT NO. 2006-186, GONI WASH - LETTER OF MAP REVISION PROJECT, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY HDR ENGINEERING, INC. THROUGH DECEMBER 31, 2009, FOR A NOT-TO-EXCEED COST OF \$38,610.00, TO BE FUNDED FROM THE STORM DRAIN PROFESSIONAL SERVICES FUND, AS PROVIDED IN FY 2008 / 2009**

**4-2(D) ACTION TO DETERMINE THAT CONTRACT NO. 0809-175, HVAC CONTROLS AND MECHANICAL, IS A CONTRACT FOR ITEMS AND SERVICES WHICH MAY ONLY BE CONTRACTED FROM A SOLE SOURCE AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 0809-175, HVAC CONTROLS AND MECHANICAL SERVICES, A REQUEST FOR THE SERVICES AND PURCHASES OF ITEMS AND SERVICES FROM BUILDING CONTROL SERVICES FOR A NOT-TO-EXCEED COST OF \$100,000 TO BE FUNDED FROM THE CONTRACTUAL SERVICES AND BUILDING REPAIR FUNDS, AS PROVIDED IN FY 2008 / 2009**

**4-2(E) ACTION TO DETERMINE THAT CONTRACT NO. 0809-177, ON CALL PROFESSIONAL LAND SURVEYING SERVICES, IS A CONTRACT FOR THE SERVICES OF A PROFESSIONAL LAND SURVEYOR; THAT THE SELECTION WAS MADE ON THE BASIS OF THE COMPETENCE AND QUALIFICATIONS OF THE LAND SURVEYOR FOR THE TYPE OF SERVICES TO BE PERFORMED AND NOT ON THE BASIS OF COMPETITIVE FEES; AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 625.530; AND TO APPROVE CONTRACT NO. 0809-177 WITH TRI-STATE SURVEYING, LTD, TO**

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**PROVIDE LAND SURVEYING SERVICES THROUGH FEBRUARY 6, 2010 FOR A NOT-TO-EXCEED COST OF \$150,000 TO BE FUNDED FROM THE VARIOUS CAPITAL IMPROVEMENT PROJECTS FUND, AS PROVIDED IN FY 2008 / 2009 AND 2009 / 2010**

**4-3. PUBLIC WORKS**

**4-3(A) ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE ASH CANYON CREEK USERS AGREEMENT**

**4-3(B) ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE KINGS CANYON CREEK USERS AGREEMENT**

**4-4. HEALTH AND HUMAN SERVICES - ACTION TO APPROVE A GRANT IN THE AMOUNT OF \$5,000.00 FROM THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS, FOR THE MEDICAL RESERVE CORP.**

**4-5. PARKS AND RECREATION - ACTION TO APPROVE A WORK PROGRAM FOR THE OPERATIONS AND EXPENDITURES OF FUNDS FOR THE OPEN SPACE PROGRAM CALENDAR YEAR 2009 (8:40:50)** - Open Space / Property Manager Juan Guzman reviewed the agenda report and the attached materials. In response to a question, he advised that the Open Space Program manages approximately 5,000 acres owned by the Utilities Division, in addition to approximately 1,000 acres purchased with Open Space Program funding. Management costs are approximately \$350,000 per year, excluding staff salaries. In response to a further question, he advised that the Open Space Program acquisition fund has a current balance of approximately \$2.7 million. The maintenance fund has a current balance of approximately \$350,000. Mr. Guzman advised of having recently discussed, with Mr. Werner and Fire Chief Stacey Giomi, the possibility of creating an account for open space fire suppression. In response to a further question, he discussed the status of acquisition transactions. He acknowledged that the Question #18 open space allocation can be designated for maintenance.

Mayor Crowell called for public comment; however none was forthcoming. Mr. Guzman acknowledged that public access to the Horse Creek Ranch conservation easement is via Kings Canyon Road. He clarified the easement itself “allows for enjoyment of the views from the road” and from the lands owned by the City. The Horse Creek Ranch transaction provides for “tying the water to the use of the land, keeping it agricultural, and buying some building rights. We were not able to negotiate the right for the public to walk on those lands. Normally, that doesn’t happen in conservation easements.”

Mayor Crowell called for additional discussion and, when none was forthcoming, entertained a motion. **Supervisor Livermore moved to approve the work program for the operations and expenditure of funds for the Open Space Program, calendar year 2009, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.**

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**ORDINANCES, RESOLUTIONS, AND OTHER ITEMS**

**5. CITY MANAGER - PRESENTATION AND REPORT ON NEVADA DIVISION OF FORESTRY'S WILDLAND FIRE MANAGEMENT ACTIVITIES IN CARSON CITY (8:52:02) -**

Mr. Werner introduced this item. Nevada Division of Forestry Fire Management Officer Michael Klug reviewed activities over the past five years, as outlined in descriptive materials distributed to the Board members and staff and in conjunction with a displayed topographic map.

Supervisor Williamson discussed the assistance provided by NDF crews to install the C-Hill flag, and thanked everyone involved. She advised of having toured the Marlette Lake system last spring, and commended the NDF crews on the fuels management projects implemented there. In response to a question, Mr. Klug discussed the status of NDF conservation camps in consideration of the current budget process. He acknowledged that the conservation crews represent a revenue stream to the NDF because many projects are grant funded or paid by other agencies. In response to a further question, he discussed pre-emergent chemical treatment used in cheatgrass mitigation. He acknowledged that fuels reduction programs have provided material for the biomass plant located at the Nevada State Prison. He further acknowledged that fewer crews doing fewer fuels reduction projects will reduce the amount of material available for the plant. Mayor Crowell thanked Mr. Klug for his presentation.

**6. PURCHASING AND CONTRACTS - ACTION TO DETERMINE THAT CONTRACT NO. 0809-176, ON CALL RIGHT-OF-WAY CONSULTING, IS A CONTRACT FOR PROFESSIONAL SERVICES AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 0809-176, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY PROPERTY SPECIALISTS, INC., THROUGH FEBRUARY 6, 2011, FOR A NOT-TO-EXCEED COST OF \$250,000, TO BE FUNDED FROM THE VARIOUS CAPITAL IMPROVEMENT PROJECTS FUNDS, AS PROVIDED IN FY 2008 / 2009, 2009 / 2010, AND 2010 / 2011 (9:06:07) -**

Mayor Crowell introduced this item. Public Works Department Director Andrew Burnham provided background information and reviewed the agenda report. In response to a question, he discussed the complexity associated with the federal relocation act, and advised that no one in the City has the necessary expertise. He clarified that a fair amount of the work will be done by City staff, and that the consultant will be called on when assistance is needed for a particular project. He further acknowledged that projects are individually evaluated, and reiterated that as much work is done by City staff as possible and appropriate. He advised that the cost for required appraisals is included in the contract.

Supervisor Livermore advised of having met with Mr. Burnham to discuss concerns regarding the various capital improvements projects funding sources designated over the course of several fiscal years. In response to a question, Mr. Burnham referred to the Roop Street project, as an example, which will require "several acquisitions." The capital account for that project will be charged the amounts expended by this consultant, "authorized on a task-oriented basis." A not-to-exceed amount will be negotiated for a particular function. Supervisor Aldean discussed the benefits of professional involvement in the case of eminent domain. She suggested that consultants should not be immune to the economic downturn, and encouraged negotiating fees to ensure competitive rates.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to determine that Contract No. 0809-176, On-Call Right-of-Way Consulting, is a contract for professional services and, therefore, not suitable for public bidding, pursuant to NRS**

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332.115, and to approve Contract No. 0809-176, a request for professional services to be provided by Property Specialists, Inc. through February 6, 2011, for a not-to-exceed cost of \$250,000, to be funded from the various capital improvement project funds, as provided in FY 08 / 09, 09 / 10, and 10 / 11. Supervisor Aldean seconded the motion. Motion carried 5-0.

**7. DEVELOPMENT SERVICES - PLANNING AND ZONING**

**7(A) ACTION TO ADOPT BILL NO. 101, ON SECOND READING, AN ORDINANCE TO CHANGE THE ZONING OF APPROXIMATELY A 10.61-ACRE PORTION OF APN 002-101-85 FROM SINGLE FAMILY 6,000 (SF6) TO PUBLIC REGIONAL (PR), AND TO CHANGE THE ZONING OF APPROXIMATELY THE REMAINDER 3.49-ACRE PORTION OF APN 002-101-85 FROM SINGLE FAMILY 6,000 (SF6) TO MULTI-FAMILY APARTMENT (MFA) (ZMA-08-045) (9:12:37)** - Planning Division Director Lee Plemel reviewed the agenda report, and advised of having received no additional comments since first reading. Mayor Crowell entertained Board member and public comments and, when none were forthcoming, a motion. **Supervisor Livermore moved to adopt Bill No. 101, on second reading, Ordinance No. 2009-3, an ordinance to change the zoning of approximately a 10.61-acre portion of APN 002-101-85, from single family 6,000 (SF6) to public regional, and to change the zoning of approximately the remainder 3.49-acre portion of APN 002-101-85 from single family 6,000 to multi-family apartment (MFA), based on the findings contained in the staff report. Supervisor Aldean seconded the motion. Motion carried 5-0.**

**7(B) ACTION TO ADOPT BILL NO. 102, ON SECOND READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS DIVISION 2, PARKING AND LOADING, BY AMENDING SECTION 2.3, GENERAL PARKING REQUIREMENTS, TO ADD AN EXCEPTION TO COMMERCIAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS FOR DELIVERIES AND SIMILAR ACTIVITIES, AND OTHER MATTERS PROPERLY RELATED THERETO (9:14:32)** - Mr. Plemel introduced this item, reviewed the agenda report, and provided background information. He advised that the issue of size of personal vehicles parked in residential zoning districts has been agendized for the February 25<sup>th</sup> Planning Commission meeting. Mayor Crowell called for public and Board member comments. When none were forthcoming, he entertained a motion. **Supervisor Aldean moved to adopt Bill No. 102, on second reading, Ordinance No. 2009-4, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.16, Development Standards, Division 2, Parking and Loading, by amending Section 2.3, General Parking Requirements, to add an exception to commercial vehicle parking in residential districts for deliveries and similar activities, based on the findings contained in the staff report. Supervisor Williamson seconded the motion. Motion carried 5-0.** Mayor Crowell expressed an interest in the outcome of the Planning Commission item.

**7(C) PRESENTATION TO PROVIDE INFORMATION REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) PROGRAM, THE CONSOLIDATED PLAN, AND THE ANNUAL ACTION PLAN (9:16:32)** - Mayor Crowell introduced this item. Mr. Plemel reviewed the agenda report and the attached memorandum. He introduced Management Assistant / CDBG Coordinator Janice Brod and CDBG Consultant Bill Kubal. Mr. Plemel narrated a PowerPoint presentation, and responded to questions of clarification regarding the this year’s anticipated allocation, CDBG program criteria, and key dates for the 2009 grant cycle. In response to a question, Mr. Kubal advised that the City can include language in the agreements that CDBG funding would revert back if a project isn’t moving forward. In response to a further question, he advised

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that U.S. Department of Housing and Urban Development (“HUD”) administrators consider each community’s program as a whole. “In order for you to meet that deadline, you’ll want to impose similar deadlines on the individual projects.”

In response to a further question, Mr. Kubal advised that HUD will allow a “substantial amendment” in consideration of the possibility of receiving additional funding. Options would include additional public hearings, additional requests for proposals, or allocating funding to projects which weren’t funded. Mr. Kubal acknowledged that the annual action plan would be amended. Discussion followed, and Mr. Plemel continued narrating the PowerPoint presentation. Mayor Crowell entertained additional Board member and public comments; however, none were forthcoming. He thanked Mr. Plemel, Ms. Brod, and Mr. Kubal for their presentation.

**7(D) ACTION TO APPROVE A FINAL MAP FOR DIVISION OF LAND INTO LARGE PARCELS APPLICATION FROM RESOURCE CONCEPTS, INC. (PROPERTY OWNER: WILLIAM MICHAEL FAGEN, TRUSTEE), TO SUBDIVIDE APPROXIMATELY 201 ACRES INTO A TOTAL OF THREE PARCELS, RESULTING IN TWO PARCELS OF APPROXIMATELY 40 ACRES EACH AND ONE PARCEL OF APPROXIMATELY 121 ACRES, ON PROPERTY ZONED CONSERVATION RESERVE (CR), LOCATED ON KINGS CANYON ROAD, APN 007-051-78 (LDM-08-101) (9:40:51)** - Principal Planner Jennifer Pruitt introduced this item, reviewed the agenda report, and narrated pertinent slides. She noted the comments included in the agenda materials from Parks and Recreation Department staff and the Open Space Advisory Committee.

(9:44:09) Open Space / Property Manager Juan Guzman provided background information on the purpose for the land division map. He pointed out the boundaries of the conservation easement on a displayed area map, and discussed recent revisions to the same to accommodate wildlife migration. He pointed out Kings Canyon Road and adjacent parcels, totaling approximately 372 acres, owned by the City. He advised that the conservation easement will approximate 175 acres. In response to a question, he pointed out property owned by the U.S. Forest Service and the Hutchison property, recently purchased by the City. In response to a further question, he explained the importance of recording the land division map prior to finalizing the conservation easement transaction. In response to a further question, he reiterated that the conservation easement was amended to add more area. He advised that a review appraiser will either testify before the Board of Supervisors or provide written evidence of the appraisal conducted in accordance with all standards, and that the proposed value is reasonable.

Mr. Guzman explained the concept of the conservation easement. In response to a question, he advised that the easement “is close enough, in terms of provisions, that all the lands can be treated equally in terms of the value of the ... easement we’re buying.” Mr. Fagen is engaging in enhancements, as termed by the Internal Revenue Service, i.e., setting aside some lands that he will own outside the easement, surrounded by lands that are protected that he also owns. The IRS will determine that the easement is properly valued to ensure that Mr. Fagen is not enjoying the value of the easement as well as creating additional value by having adjacent lands that are not going to develop. Mr. Guzman advised that the IRS regulations are very specific. Supervisor Aldean expressed concern over increasing the value of the conservation easement by including the additional acreage which could otherwise reasonably be developed. Mr. Guzman advised that the “ratio remains the same, based on the opinion of [Appraiser] Bill Kimmel.” In response to a comment, he advised that the proposed value “seems to be within the budget and ... also within what we mentioned to Question #1 [representatives] we were planning on spending on the easement and the fee title purchase.”

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In response to a further question, he advised that the Schultz family seems to be accustomed to the idea of the conservation easement transaction. Discussion followed and, in response to a further question, Mr. Guzman pointed out an easement owned by The Nature Conservancy. He responded to additional questions regarding the Swafford property, and narrated displayed photographs.

(10:01:27) Mr. Fagen advised that the conservation easement transaction has been pending for a period of six years. In response to an earlier question, he explained that the conservation easement specifically precludes ever dividing the land any further. This is the reason for finalizing the land division map first. In response to an earlier comment regarding the conservation easement valuation, he advised of “one other example that has as low a ratio as this one does, but most of the conservation easements that have been done in Douglas County and elsewhere in the region are in the anywhere from two-thirds to 80 percent value range. That is, you have forty acres that’s worth, let’s say, \$1 million. Douglas County paid \$800,000 not to have that developed. In the case of Horse Creek, for a couple reasons, one is the access. If we’re actually developing this and splitting it out is difficult so the infrastructure development to do a division out here ... is substantial. That lowered the value of the easement a little bit and, then, the fact that I do have those two 40s and that I can build houses out there and it is increasing the value of the remaining 25 acres was also taken into consideration to lower it even further.” The City would pay 51 percent of the appraised highest and best use value of the 201 acres “which is the three combined parcels.” Mr. Fagen thanked Mr. Guzman. Mayor Crowell thanked Mr. Fagen.

Mayor Crowell called for additional comments and, when none were forthcoming, entertained a motion. **Supervisor Williamson moved to approve a final map for division of land into large parcels to subdivide approximately 201 acres into a total of three parcels, resulting in two parcels of approximately 40 acres each, and one parcel of approximately 121 acres, on property zoned conservation reserve, located on Kings Canyon, APN 007-051-78. Supervisor Aldean seconded the motion. Motion carried 5-0.** Mayor Crowell recessed the meeting at 10:05 and reconvened at 10:16 a.m.

#### **8. PARKS AND RECREATION**

**8(A) ACTION TO REPEAL RESOLUTION NO. 2007-R-28 AND TO ADOPT RESOLUTION NO. 2009-R-6, “FEES AND POLICIES,” THAT RE-ENACTS THE PROVISIONS OF RESOLUTION NO. 2007-R-28, BUT CHANGES THE RESIDENT, NON-PROFIT DIRECT COST RECOVERY RATE FROM SEVENTY-FIVE PERCENT (75%) TO FIFTY PERCENT (50%)** (10:16:55) - Mayor Crowell introduced this item. Parks and Recreation Department Director Roger Moellendorf reviewed the agenda report, and responded to questions of clarification. In response to a further question, he reviewed the criteria for designating an organization as non-profit under the fees and policies provisions. Supervisor Walt advised of having discussed the subject matter at a recent parks and recreation commission meeting with representatives of the Western Nevada College and Pinkerton Ballet Theater. Supervisor Walt disclosed that she is a member of the Pinkerton Ballet Theater Board of Directors. She discussed fee increases to the users, and advised that the Pinkerton Ballet Theater Board of Directors had agreed to the proposed changes. Mr. Moellendorf advised of having worked closely with various non-profit organization representatives to develop the fee schedule. He explained that the methodology for charging fees has been revised based on research of other community theaters. “In the long range, ... there will be an increase to the users of the theater, ... but not as onerous” an increase as the previous 75 percent cost recovery rate.



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Supervisor Livermore provided background information on the purpose for the original resolution “to provide cost recovery to the Parks Department.” He expressed the belief that part of the City’s responsibility is to provide the venue for community arts and culture events. He expressed support for the new resolution adopting the fees and policies. Mr. Moellendorf acknowledged that profit earning capacity has been built into the for-profit events. He advised that the “direct cost base level” has been set at “basically the non-profit sector.” Increases have been “built in ... for the private.” The for-profit, commercial events and performances are, to some degree, subsidizing the non-profit events and performances. Mr. Moellendorf referred to the Board’s April 2006 adoption of the parks and recreation master plan element, which specifies the goal to recover 100 percent of direct costs for all parks and recreation programs. He discussed subsequent revisions to the policy based on the potential hardships to the Aquatic Facility and theater users. “Carson City is just like everywhere else in the country. ... Many of the non-profit theater and performance organizations are facing hard times due to the economy.” Mr. Moellendorf agreed that the mission of the community center is to provide a venue for community organizations to sponsor events.

In response to a question, Mr. Moellendorf provided an explanation of the provisions of paragraph 8 of the proposed resolution. Following discussion, consensus between the Board and Mr. Moellendorf was to delete the words “plus an amount sufficient to fund the replacement of the equipment” from paragraph 8. Additional discussion took place regarding the provisions of paragraph 14, and the criteria for designated resident status. Mr. Moellendorf suggested the possibility of eliminating the non-resident category of non-profit fees, “and just have non-profit fees.” In response to a question, he advised that neither the City nor the Board pay user fees. Additional discussion took place regarding waiver of fees. Mr. Moellendorf discussed the joint use agreement with the Carson City School District, and advised that no fee is charged for use of parks and recreation facilities. In response to a further question, he explained that the fiscal impact of the proposed resolution was not available. Until the new resolution is passed and the new fees and policies implemented, there was no way of knowing “the final dollar and cents figure.”

Additional discussion took place regarding the provisions of paragraph 14 of the proposed resolution. In response to a question, Mr. Rombardo expressed agreement that paragraph 20 sufficiently addressed the joint use agreement with the Carson City School District. He advised that the provisions of paragraph 14 do not preclude the Board of Supervisors from co-sponsoring an event and, therefore, waiving user fees. Mr. Moellendorf explained one original intent of the resolution to provide Parks Department staff the opportunity to annually review costs and make corresponding fee adjustments within the percentages provided in the resolution. He assured the Board that Parks Department staff will be diligent in ensuring user fees are not exorbitant.

Discussion took place regarding the language of paragraph 20, and consensus was to delete the last sentence. Mayor Crowell called for public comment and, when none was forthcoming, entertained a motion. **Supervisor Livermore moved to repeal Resolution 2007-R-28, and to adopt Resolution No. 2009-R-6, “Fees and Policies” that re-enacts the provisions of Resolution No. 2007-R-28, but changes the resident non-profit direct cost recovery rate from seventy-five percent (75%) to fifty percent (50%), modifying paragraph 8, “striking the words at the end of equipment,” and deleting the last sentence of paragraph 20. Supervisor Aldean seconded the motion. Motion carried 5-0.**

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**8(B) ACTION TO APPROVE THE PROPOSED COMMUNITY CENTER / BOB BOLDRICK THEATER FEES FOR FISCAL 2008 / 2009** (10:52:30) - Mr. Moellendorf reviewed the agenda report. In response to a question, Mr. Werner advised and Mr. Moellendorf confirmed that a business impact statement had previously been published. In response to a question, Community Center Facility Operations Supervisor Mitch Ames explained the method by which the proposed fee schedule included in the agenda materials was developed, and responded to corresponding questions of clarification. Mr. Moellendorf acknowledged that the fee schedule will be retroactive to January 1, 2009.

Mayor Crowell called for public comment; however, none was forthcoming. Supervisor Livermore advised that the parks and recreation commission discussed this matter extensively. Mr. Moellendorf agreed that the public had ample opportunity, over the course of several public meetings and in conjunction with the business impact statement, to provide input on development of the fee schedule. Mayor Crowell commended the Parks Department staff on their efforts to receive sufficient public input. He entertained additional comments or discussion and, when none was forthcoming, a motion. **Supervisor Livermore moved to approve the proposed Community Center / Bob Boldrick Theater fees for fiscal year 2008 / 2009, retroactive to January 1, 2009. Supervisor Walt seconded the motion. Motion carried 5-0.**

**8(C) ACTION TO APPROVE THE PROPOSED "CARSON CITY FAIRGROUNDS 2008 / 2009 FEES AND CHARGES"** (10:59:13) - Mr. Moellendorf introduced this item, and reviewed the agenda report and the attached proposed fee schedule. Supervisor Livermore provided an overview of discussion which took place at the February 3<sup>rd</sup> parks and recreation commission meeting. He suggested the possibility of considering a drop-in fee at some future date. He commended the proposed fee schedule as "a fair beginning." He advised of ample opportunity for public input on the proposed fees and charges. Mr. Moellendorf explained that the facility is presently locked because it is yet unfinished. He advised of the intent to continue the previous policy to allow free drop in use once the facility is opened to the public. He discussed difficulties associated with attempting to charge a drop-in fee, and a brief discussion followed. Mayor Crowell called for additional discussion and, when none was forthcoming, entertained a motion. **Supervisor Livermore moved to approve the proposed Carson City Fairgrounds 2008 / 2009 fees and charges, as presented. Supervisor Walt seconded the motion. Motion carried 5-0.**

**8(D) ACTION TO APPROVE A "DEED RESTRICTION TEMPLATE" TO BE USED FOR THE REIMBURSEMENT OF AWARDED GRANTS OBTAINED THROUGH THE STATE OF NEVADA QUESTION #1 CONSERVATION AND RESOURCE PROTECTION GRANT PROGRAM** - Continued.

**9. CITY MANAGER - ACTION TO REAPPOINT ROBERT DARNEY, MICHAEL DREWS, AND MARK LOPICCOLO TO THE HISTORIC RESOURCES COMMISSION FOR FOUR-YEAR TERMS, ENDING JANUARY 2013** (11:06:14) - Mr. Werner introduced this item, and reviewed the agenda report.

(11:06:50) Historic Resources Commission Vice Chair Rob Darney and Chair Michael Drews introduced themselves for the record. Mr. Drews acknowledged an interest in being reappointed to the commission. He advised of a standing commission rule that "if you ever want to leave, you have to find your own replacement." Mayor Crowell thanked Mr. Drews and Mr. Darney for their service. In response to a question, Mr. Drews advised that the commission recently changed its meeting schedule to meet in odd-numbered months; special meetings to be called as needed. In response to a further question, he advised

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that Planning Division staffs the commission. He invited both Mayor Crowell and Supervisor Walt to the next commission meeting.

Mayor Crowell reiterated his appreciation for the commissioners' service, and entertained a motion to reappoint three commissioners. **Supervisor Williamson moved to reappoint Rob Darney, Michael Drews, and Mark Lopiccolo to the Historic Resources Commission for four-year terms, ending January 2013, and thanked the commissioners for their service. Supervisor Aldean seconded the motion. Motion carried 5-0.**

**RECESS BOARD OF SUPERVISORS (11:09:06)** - Mayor Crowell recessed the meeting at 11:09 a.m.

**REDEVELOPMENT AUTHORITY**

**CALL TO ORDER AND ROLL CALL (1:31:35)** - Chairperson Williamson called the meeting to order at 1:31 p.m. All the members of the Redevelopment Authority were present, constituting a quorum.

**ACTION ON APPROVAL OF MINUTES - November 6, 2008 (1:31:49)** - Member Aldean moved to approve the minutes, as presented. Member Livermore seconded the motion. Motion carried 3-0-2, Members Crowell and Walt abstaining.

**10. FINANCE - ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FY 2008 / 2009 BUDGET IN THE AMOUNT OF \$2,826,746 (1:33:03)** - Finance Department Director Nick Providenti provided background information on this item, which was re-agendized as a procedural matter. He responded to questions of clarification. Chairperson Williamson called for Redevelopment Authority and public comments. When none were forthcoming, she entertained a motion. **Member Livermore moved to adopt Resolution No. 2009-RAR-1, a resolution to augment and amend the Carson City Redevelopment Authority fiscal year 2008 / 09 budget in the amount of \$2,826,746. Member Aldean seconded the motion. Motion carried 5-0.**

**11. CITY MANAGER - ACTION TO ADOPT A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE REDEVELOPMENT AGENCY WHEREBY THE REDEVELOPMENT AGENCY AGREES TO UTILIZE THE GENERAL PURCHASING AND CONTRACT POLICIES OF THE CITY AND TO UTILIZE CITY STAFF AS STAFF OF THE REDEVELOPMENT AUTHORITY (1:34:58)** - Chairperson Williamson introduced this item. Mr. Werner provided background information and reviewed the agenda report. Member Aldean suggested clerical revisions to the interlocal agreement included in the agenda materials. In response to a question, Chairperson Williamson anticipated nothing in the recommended motion which would interfere with the redevelopment authority citizens committee's review of redevelopment incentive application policies and procedures.

Chairperson Williamson entertained public comment and, when none was forthcoming, a motion. **Member Aldean moved to adopt Resolution No. 2009-RAR-2, to approve and adopt an interlocal agreement between the City and the Redevelopment Authority, whereby the Redevelopment Authority agrees to utilize the general purchasing and contract policies of the City and to utilize City staff as staff of the Redevelopment Authority, subject to the two minor clerical revisions entered on the record. Member Crowell seconded the motion. Motion carried 5-0.**

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**12. OFFICE OF BUSINESS DEVELOPMENT - ACTION TO APPROVE AN APPLICATION FROM THE FIRST PRESBYTERIAN CHURCH FOR REIMBURSEMENT OF \$78,841.88 FOR SPECIFIC SITE IMPROVEMENT COSTS AND ADDED EXPENSES INCURRED IN ASSOCIATION WITH THE PRESERVATION OF THE OLD SANCTUARY, BOTH THE 1864 AND 1896 STRUCTURES** (1:39:20) - Chairperson Williamson introduced this item, and invited Business Development Manager Joe McCarthy to the podium. Mr. McCarthy provided background information on this item, and reviewed the agenda report. He introduced First Presbyterian Church Building Committee members Jim Robertson and Ken Pearson, and Senior Pastor Bruce Kochsmeier. He advised that the First Presbyterian Church representatives had been “extremely cooperative in a very difficult decision to be made.” At Chairperson Williamson’s request, Mr. Werner advised of having met with First Presbyterian Church representatives to review “before and after drawings ...” Preservation of the old sanctuary necessitated redesign of the new sanctuary and relocation of the building “further into the lot which then eliminated some of their parking, eliminated landscape, required them to revise their drop off point.” Mr. Werner advised that the City’s participation within and outside the right-of-way was considered, and that the costs submitted were considered to be legitimate in consideration of preserving the old sanctuary. Mr. McCarthy acknowledged the sanctuary is within the redevelopment district, and that it benefits the redevelopment area.

Mr. McCarthy acknowledged that all invoices have been paid and the request represents a reimbursement. Member Aldean noted the declining lien attached to incentive program projects, and expressed concern that “in this case, we have nothing to protect the people’s investment ...” She suggested establishing a preservation easement on the building. Mr. McCarthy suggested that the next step, in collaboration with the First Presbyterian Church, is to start the non-profit fund raising organization to raise sufficient funding to stabilize the building. He further suggested that regular updates could be provided to the Redevelopment Authority on the status of the non-profit organization, and that research could be conducted into a preservation easement. Member Aldean requested input of the First Presbyterian Church representatives with regard to the suggestion of creating a preservation easement on the building to ensure protection of the people’s investment. At Mr. McCarthy’s request, she reviewed the variety, purpose, and function of preservation easements. Mr. McCarthy advised of concerns over utilizing the historic sanctuary in any way inconsistent with the First Presbyterian Church’s practices. He suggested that the preservation easement may protect the church from inappropriate uses.

(1:49:56) Senior Pastor Bruce Kochsmeier advised that the First Presbyterian Church is the “oldest church building in the State of Nevada with the newest sanctuary ... and they’re connected to one another.” He assured the redevelopment authority members of no intent to demolish the old building as “it would impinge upon our new building.” He expressed the hope “that the new and the old could become more and more one and usable.” He discussed proposed uses for the old sanctuary. He advised of one difficulty, from “an easement and a legal document standpoint,” that the property is held in trust by the Presbyterian Church of the United States of America. He advised of the requirement to first have agreement from the national denomination in order to enter into a preservation easement. Member Aldean requested the First Presbyterian Church representatives to commit to pursuing a preservation easement, “especially if we spend additional money to seismically retrofit this building ...” Pastor Kochsmeier expressed agreement, and reiterated the need to protect the property “as was originally intended.” In response to a question, he offered to look into the possibility.

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Member Livermore expressed continued support for the project, and inquired as to liability premiums on the old sanctuary. Mr. McCarthy advised that the liability insurance payment covers a period of one year. He expressed the hope that the non-profit organization will absorb those types of costs in the future. He advised of no guarantee that the liability premium won't be before the Redevelopment Authority again. In response to a question, Mr. Werner advised of the possibility that a preservation easement would provide for the City's liability insurance to cover the cost. Chairperson Williamson advised of having previously consulted with former Risk Manager Tony Baker, who advised that the current liability payment is less than what the City would have to pay.

Member Crowell inquired as to the function of redevelopment in consideration of historic structure preservation. Mr. McCarthy provided background information on the objectives established by the original redevelopment authority in 1986 to preserve historic resources in redevelopment area one. In response to a further question, Mr. McCarthy explained the action of the redevelopment authority citizens committee to approve up to \$100,000 and forward the remaining reimbursement request to the Redevelopment Authority for a decision on full payment. In response to a further question, he characterized the allocation as a grant rather than an incentive. He reiterated that the reimbursement would be for costs which would not otherwise have been incurred but for preserving the historic structures. He explained the distinction in that an incentive is an inducement to a private property owner to significantly improve a property for private use. In response to a further question regarding interest compensation for time, value, and money, Mr. Werner explained that the time frame in which First Presbyterian Church representatives thought they would receive reimbursement far exceeded what actually occurred. The church was then required to borrow the funding to complete the project "when they were relying on a grant ... in a more timely fashion." Mr. Werner further explained that a date was selected during which the matter "probably should have been resolved and it wasn't ..." Member Crowell expressed the hope that the incentive program policies will "clearly define ... the distinction between a grant and an incentive and what we're paying for and why we're paying it." Member Aldean noted the further distinction between the First Presbyterian Church grant and commercial properties to which incentives may be provided "is that there is no expectation of a monetary return on our investment" in the form of sales tax revenues. Mr. McCarthy advised that the First Presbyterian Church has a significant impact on the redevelopment district in that the preservation of historic structures "weaves through our efforts to try to continue to maintain a great redevelopment district and to grow that district ..." Member Aldean agreed, but noted the nexus is more indirect.

In response to a question, Mr. McCarthy advised that the non-profit organization will benefit all historic structures in the redevelopment district with a principle focus on assisting those places of worship "so important to our community." In response to a further question, Chairperson Williamson assured the Redevelopment Authority "we're working very hard to get the City out of this."

Chairperson Williamson entertained public comment. (2:06:16) Stan Jones, a member of the redevelopment authority citizens committee, advised of having voted against allocating the funding. He expressed the opinion, "this is a classic example of where" the City has failed to provide consistent policies and procedures for the redevelopment incentive program. He advised of having served as a member of the redevelopment authority citizens committee for the past five years, and that he had never discussed historic preservation. He expressed no problem with historic preservation, but reiterated the importance of implementing sufficient policies and procedures. He advised that the redevelopment authority citizens committee has review of incentive program policies and procedures agendaized for its next meeting. "In light of all this, ..." he recommended approving the reimbursement. He expressed objection to the current

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operation, and requested the Redevelopment Authority to consider a moratorium on redevelopment incentive funding allocations until policies and procedures are in effect. With regard to the non-profit organization, he suggested identifying the liability premium for the First Presbyterian Church “in case there’s not a lot of money, to protect the church and protect the City; that a certain amount of funds each year will specifically go to the Presbyterian Church for their insurance.”

(2:08:55) Historic Resources Commission Chairperson Michael Drews advised that the Historic Resources Commission had originally denied the demolition permit. “Through a lot of hard work from redevelopment and the church, we came to a compromise.” Mr. Drews noted that the Historic Resources Commission has no funding. He expressed support for the reimbursement, and provided an overview of the process involved in securing preservation of the historic church structure. He offered to schedule a joint meeting between the Historic Resources Commission, the Redevelopment Authority, and the Redevelopment Authority Citizens Committee to answer questions. He explained “a strange overlap” between the historic and redevelopment districts in Carson City, and discussed joint grant funding opportunities. Mr. Drews agreed to assist in developing the preservation easement.

Chairperson Williamson called for additional Redevelopment Authority and public comments and, when none were forthcoming, entertained a motion. Mr. Rombardo advised of the legal requirement to establish findings that the reimbursement benefits the redevelopment area. **Member Aldean moved to approve an application from the First Presbyterian Church for reimbursement of \$78,841.88 for specific site improvement costs and added expenses incurred in association with the preservation of the old sanctuary, both the 1864 and 1896 structures; pursuant to NRS 279.486, it is determined that the building improvements benefit the redevelopment area or the immediate neighborhood in which the redevelopment area is located, and no other reasonable means of financing these building improvements are available; in reaching this determination, I considered the factors required in NRS 279.486(2). Member Crowell seconded the motion.** Member Aldean noted the source of funding as the redevelopment capital account. **Motion carried 5-0.**

**ACTION TO ADJOURN THE REDEVELOPMENT AUTHORITY** (2:13:55) - Chairperson Williamson adjourned the Redevelopment Authority at 2:13 p.m.

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**RECONVENE BOARD OF SUPERVISORS** (2:14:04) - Mayor Crowell reconvened the Board of Supervisors.

**13. CITY MANAGER - ACTION TO ADOPT A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE REDEVELOPMENT AGENCY WHEREBY THE REDEVELOPMENT AGENCY AGREES TO UTILIZE THE GENERAL PURCHASING AND CONTRACT POLICIES OF THE CITY AND TO UTILIZE CITY STAFF AS STAFF OF THE REDEVELOPMENT AUTHORITY** (2:14:09) - Mr. Werner introduced this item, and provided an overview of the agenda report. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to adopt Resolution No. 2009-R-7, to approve and adopt an interlocal agreement between the City and the Redevelopment Agency, whereby the Redevelopment Agency agrees to utilize the general purchasing and contract policies**

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of the City, and to utilize City staff as the staff of the Redevelopment Authority. Supervisor Livermore seconded the motion. Motion carried 5-0.

**14. OFFICE OF BUSINESS DEVELOPMENT - ACTION TO CONSENT TO THE APPROVAL OF AN APPLICATION FROM THE FIRST PRESBYTERIAN CHURCH FOR REIMBURSEMENT OF \$78,841.88 FOR SPECIFIC SITE IMPROVEMENT COSTS AND ADDED EXPENSES INCURRED IN ASSOCIATION WITH THE PRESERVATION OF THE OLD SANCTUARY, BOTH THE 1864 AND 1896 STRUCTURES (2:14:58)** - Mayor Crowell introduced this item. In response to a question, Mr. Rombardo explained the reason for the Board of Supervisors' action pursuant to the provisions of NRS 278.486. In response to a comment, he read the pertinent provisions into the record.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to consent to the approval of an application from the First Presbyterian Church for reimbursement of \$78,841.88 for specific site improvement costs and added expenses incurred in association with the preservation of the old sanctuary, both the 1864 and 1896 structures; pursuant to NRS 279.486, it is determined the building improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located and no other reasonable means of financing these building improvements are available; in reaching this determination, I considered the factors required in NRS 279.486(2). Supervisor Aldean seconded the motion. Motion carried 5-0.** In response to a question, Supervisor Williamson advised of the anticipation that the redevelopment authority citizens committee will review the proposed policies and procedures at its meeting scheduled for February 11<sup>th</sup>. Their recommendation will be forwarded to the Board of Supervisors at the February 19<sup>th</sup> meeting.

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

**INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2:18:32)** - In response to a comment, Mr. Rombardo suggested drafting a broad agenda item to provide for discussion of pending legislative matters.

**CORRESPONDENCE TO THE BOARD OF SUPERVISORS** - None.

**STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS** - None.

**STAFF COMMENTS AND STATUS REPORT** - None.

**16. ACTION TO ADJOURN (2:19:42)** - Supervisor Livermore moved to adjourn the meeting at 2:19 p.m. Supervisor Williamson seconded the motion. Motion carried 5-0.

The Minutes of the February 5, 2009 Carson City Board of Supervisors meeting are so approved this \_\_\_\_\_ day of March, 2009.

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ROBERT L. CROWELL, Mayor