

**CARSON CITY CONSOLIDATED MUNICIPALITY
NOTICE OF MEETING OF THE
CARSON CITY BOARD OF SUPERVISORS**

Day: Thursday
Date: December 5, 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 - Bruce Henderson, Airport Road Church of Christ**
- 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: Approval of Minutes - August 15, 2013 & September 5, 2013**
- 7. For Possible Action: Adoption of Agenda**
- 8. Special Presentation**

Presentation of a proclamation for EnergyFit Nevada Day, December 5, 2013. (*Denee Evans, Executive Director*)

Staff Summary: EnergyFit Nevada is a non-profit who works with the State Department of Energy to give rebates to homeowners who make energy efficient upgrades.

9.

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 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.
.....

9-1. Assessor

For Possible Action: To approve the partial removal and refund of Real Property Taxes for Parcel Numbers 003-151-25 (501 S Ormsby Blvd) and 009-014-05 (502 S Ormsby Blvd) for the 2013/14 tax year per NRS 361.060 in the amount of \$804.13 (\$256.13 refunded). *(Kimberly Adams)*

Staff Summary: Assessors parcel numbers 003-151-25 (502 S Ormsby Blvd) and 009-014-05 (501 S Ormsby Blvd) were purchased by Carson City on October 11, 2013 and are now exempt per NRS 361.060. The Assessors office is asking that the taxes be prorated from July 1, 2013 through October 11, 2013 and that the remaining amount be removed and refunded from the 2013/14 Real Property Tax Roll.

9-2. 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 November 25, 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.

9-3. Purchasing and Contracts

For Possible Action: To determine that Contract No. 1314-123 is a contract for professional services and therefore not suitable for public bidding pursuant to NRS 332.115 and to approve Contract No. 1314-123, a request for professional services to be provided by Ralph Andersen & Associates, through December 4, 2014, for an amount not to exceed \$35,000.00 to be funded from the Human Resources Professional Services Account in the General Fund as provided in FY 2013/2014. *(Kim Belt)*

Staff Summary: Contractor will provide Executive Search Services for the position of City Manager. Carson City Board of Supervisors approved the selection of Ralph Andersen & Associates at the November 19, 2013 Board of Supervisors Special Meeting.

9-4. Public Works

A) For Possible Action: To approve changing the title of the City Engineer position to Engineering Manager and appointing the Deputy Public Works Director as City Engineer for purposes of administering the Carson City Municipal Code. *(Andy Burnham)*

Staff Summary: Approval of the Engineering Manager position will allow better management of the capital programs for the City. There is no budget impact since the position is a result of changing a current budgeted position which was recently vacated. Appointing the Deputy Public Works Director as City Engineer is simply for purposes of administering the Carson City Municipal Code provisions.

- B) For Possible Action: To accept a grant from the Nevada Governor’s Office of Energy (NGOE) and Nevada Energy for the installation of an electric vehicle charging station at the Carson City Community Center. *(Darren Schulz)*

Staff Summary: Approval of this will allow Public Works to move forward with the procurement and installation of an electric vehicle charging station.

9-5. Health and Human Services

For Possible Action: To approve Carson City Health & Human Services (CCHHS) applying for a grant through National Association of County & City Health Officials (NACCHO) for the support of local public health departments in undertaking accreditation preparation activities. *(Nicki Aaker)*

Staff Summary: CCHHS has been actively pursuing national accreditation. Our Statement of Intent was submitted on April 1, 2013. This grant would allow CCHHS to fund the following activities: (1) support 50% of the PHAB Accreditation Fees; (2) would allow CCHHS to plan and promote an “Accreditation Kick-Off Day”, which would feature representatives from an accredited Local Health Department (LHD) through the NACCHO’s Speakers’ Bureau to present about the value of Public Health Accreditation Board (PHAB) accreditation, the accreditation process, and specific topics related to PHAB accreditation; and (3) would allow CCHHS to hire an outside consultant from an accredited LHD to review current PHAB documentation in relation to the PHAB measure requirements.

(End of Consent Agenda)

Ordinances, Resolutions, and Other Items

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

11. City Manager

- A) For Possible Action: To introduce on first reading, an ordinance amending the Carson City Municipal Code Title 2, Administration and Personnel, Chapter 2.34 Code of Ethics for Elected and Appointed Officials by repealing the entire chapter, and other matters properly related thereto. *(Larry Werner)*

Summary: On August 15, 2013, the Board of Supervisors appointed a committee to review Carson City’s Code of Ethics, per a request from the 2012 Charter Review Committee. The Ethics Ordinance Review Committee spent hours comparing the Ordinance with the State Ethics Laws, including changes made in 2013, and arrived at the unanimous conclusion that the state laws offered more protection to the public and conflicted with the ordinance, causing confusion for all involved. The Committee voted 5-0 to recommend repealing the Carson City Municipal Code Title 2.

- B) For Possible Action: To adopt a resolution establishing a policy of ethics compliance for Carson City elected and appointed public officers and public employees. (*Larry Werner*)

Summary: Recognizing that the Board of Supervisors believes in, and supports, ethical behavior by all Carson City elected and appointed public officers, and public employees, through compliance with the State of Nevada Ethics laws, and may want to make a statement to that effect, the Ethics Ordinance Review Committee passed this Resolution for your consideration. The vote was 5-0.

- C) Presentation by Carson Water Subconservancy District (CWSD) staff regarding the Comprehensive Regional Water System Report and overview of the Bureau of Reclamation Plan of Study. (*Ed James*)

Staff Summary: For the past two years, CWSD staff has been working on the Comprehensive Regional Water System Report (Report). The Report was funded by the Bureau of Reclamation and CWSD. The purpose of the Report is to evaluate the future municipal water demands and compare them to future water supplies on a watershed-wide basis. Included in the report is an analysis of changes in runoff patterns for the Carson River, discussion on the possibilities of developing water leasing and water banking programs, discussion on regional water conservation programs, and discussion on potential regional water system interties. It is important to note that this Report is not to supersede any water purveyors' Water Master Plan, but provide a regional overview of the water supplies and future water demands in the watershed.

– TIME SPECIFIC - 9:30 A.M. –

12. Community Development - Business License

For Possible Action: The Board will conduct a due process show cause hearing, deliberate and take action pursuant to CCMC 4.04.210 on the complaint for the suspension, cancelation or revocation of the business license of Chatman Sales, Inc. (Business License #13-30069) for having solicitors operate in Carson City without the required solicitors' registration permits issued by the Carson City Sheriff's Office. (*Lena Reseck*)

Staff Summary: Chatman Sales, Inc. applied for a Carson City Business License on June 7, 2013 for the business nature of selling cleaning products door to door. On October 2, 2013, a complaint was received by the Carson City Sheriff's Department regarding people selling cleaning products in the neighborhood. The solicitors were arrested for soliciting without a license. Upon further review, it was confirmed that the sales people for Chatman Sales, Inc. had not registered with the Carson City Sheriff's Department as stated in CCMC 4.16.010, entitled "registration permit required," all solicitors must first obtain a registration permit before engaging in business. A Notice of Complaint/Show Cause Hearing was sent to Chatman Sales, Inc. on November 15, 2013 via certified mail with no response from Chatman Sales, Inc. or confirmation of receipt of letter. CCMC 4.04.210(2)(d) provides "If the licensee or permittee fails to file a written answer within the time required, or if the licensee or permittee fails to appear at the place and time designated for the hearing, the board may order the license or permit suspended, canceled or revoked." CCMC 4.04.210(2)(e) provides "Unless the board enters its order orally on the official record of its public meeting with findings of fact, the board shall, within 15 days after the date of such hearing, enter its written order to suspend, cancel or revoke, or refuse to suspend, cancel or revoke, the license or permit. The licensee or permittee shall be allowed to operate until the written order or the transcribed oral order attested to by the City Clerk is served personally, or by certified mail to the last known address, upon the licensee or permittee."

13. Health and Human Services

For Possible Action: To adopt on second reading, Bill No. 127, an ordinance amending the Carson City Municipal Code Title 7, Animals, Chapter 7.13 Licensing and Regulations, by amending Section 7.13.010 Definitions to amend and add new definitions, by amending Section 7.13.020 Carson City Animal Services/ Powers by amending duties Animal Services and by amending Section 7.13.050 Animal Permits/License/Adoptions to revise and eliminate certain provisions, amending Section 7.13.060 Vaccinations/Rabies/Animal Bites and Quarantine by updating the language and by amending Section 7.13.070 Impounding of Animals by updating responsibility of owner, and other matters properly related thereto. *(Nicki Aaker)*

Staff Summary: This ordinance update is necessary to further define Health Director, Rabies Control Authority, and Stray Animal; to change the stray animal holding period from the current ten (10) days based on legal interpretation of the current ordinance to five (5) days; and to allow individuals in formal educational programs, such as 4-H and Future Farmers of America, to apply for permits to have livestock on residential lots.

14. District Attorney

For Possible Action: To introduce, on first reading, which is a proposed ordinance amending the Carson City Municipal Code (“CCMC”) Title 8, at Section 8.04.127, entitled “Marijuana possession without medical privilege card is a misdemeanor,” by adding sections pertinent to fines as required and addressed at Nevada Revised Statute (“NRS”) 453.3361. *(Joseph Ward)*

Staff Summary: NRS 453.3361 allows local government to enact ordinances adopting penalties set forth for misdemeanors in NRS 453.336. This was done when CCMC 8.04.127 was promulgated. However, this ordinance currently does not set forth the manner in which money collected from fines is to be disbursed. NRS 453.3361 requires CCMC 8.04.127 to set forth such manner of disbursement in accordance with subsection 2 of NRS 453.3361, which requires that the fines be evenly allocated in a manner determined by the court among “(a) Nonprofit programs for the treatment of abuse of alcohol or drugs that are certified by the Health Division of the Department; (b) A program of treatment and rehabilitation established by a court pursuant to NRS 453.580, if any; and (c) Local law enforcement agencies.” NRS 453.3361(2).

15. Finance

Public Hearing:

- A) Public hearing on the intent of Carson City, Nevada to issue General Obligation (Limited Tax) Bonds (additionally secured by pledged revenues). *(Nick Providenti)*

Staff Summary: The City is proposing to issued general obligation water bonds in the aggregate principal amount of not exceeding \$6,000,000 for the purpose of acquiring, constructing, improving and equipping City water projects as defined in NRS 244A.056 and general obligation sewer bonds in the aggregate principal amount of not exceeding \$24,750,000 for the purpose of acquiring, constructing, improving and equipping City sewerage projects as defined in NRS 244A.0505, which includes drainage and flood control projects.

- B) For Possible Action: To adopt the Financial & Budget Polices for Carson City. *(Nick Providenti)*

Staff Summary: At the direction of the Board of Supervisors, staff is bringing forward proposed Financial & Budget Policies.

16. City Manager

- A) For Possible Action: To adopt a resolution formally establishing the Carson City Utility Financial Oversight Committee. *(Larry Werner)*

Staff Summary: At the direction of the Board of Supervisors, staff is bringing forward a proposed resolution to establish a committee to provide oversight and to monitor compliance with utility financial policies adopted by the Board.

- B) For Possible Action: Having the City Manager and staff explore possible ways to ensure the City will continue to have the ability to discharge excess reclaimed wastewater onto the Empire Ranch Golf Course real property, including possibly purchasing it through a bankruptcy court approved sale. *(Larry Werner)*

Staff Summary: The Empire Ranch Golf Course real property is an asset of the bankruptcy estate; Empire Ranch Golf Course, LLC, bankruptcy, Case No. 12-51565-btb. It is an integral part of the City's sewer system through the application of reclaimed water for irrigation. As a current creditor in this bankruptcy, the City should explore steps that would ensure the most cost efficient way to manage its sewer system. *See CCMC Title 12.* This would include exploring the possibility of acquiring such real property. Approval of this action item will facilitate internal discussions and discussions among interested parties, including Debtor Dwight Millard and his counsel, secured creditors, and the bankruptcy court.

- C) For Possible Action: Secure the employment of Lee B. Smith, MAI-ARA, of Lee B. Smith & Associates, a competent licensed real estate appraiser to appraise the Empire Ranch Golf Course real property. *(Larry Werner)*

Staff Summary: The Empire Ranch Golf Course real property is an asset of a bankruptcy estate in an ongoing bankruptcy case; Empire Ranch Golf Course, LLC, Case No. 12-51565-btb Chapter 11. It is an integral part of the City's sewer system through its use of reclaimed irrigation water.

– LUNCH BREAK –

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

17. Community Development - Planning

For Possible Action: To consider an appeal of certain conditions in the Planning Commission's approval to amend a previously approved Special Use Permit for Rob Lauder (property owners: Bernard/Bernard, Cuccaro, LLC and William F. and D. Horne et. al.) for permanent outdoor display of merchandise, on property zoned Retail Commercial (RC), located at 1803, -05, -07, -09, -11, -15, -17, -19, and -21 N. Carson Street, APNs 002-091-03, -04, and -06. (SUP-09-055A) *(Susan Dorr Pansky)*

Staff Summary: The amended Special Use Permit (SUP-09-055A) for permanent outdoor display of merchandise for sale at the Carson Shopping Center was reviewed and conditionally approved by the Planning Commission on September 25, 2013, based on the required findings for approval. At the Planning Commission meeting, the applicant expressed disagreement with proposed Conditions 8, 9 and 10 related to the locations and sizes of the outdoor display areas. Decisions of the Planning Commission

may be appealed to the Board of Supervisors. An appeal of the Planning Commission's approval of SUP-09-055A was properly filed pursuant to the submittal requirements of the Carson City Municipal Code, Section 18.02.060 (Appeals). The Board of Supervisors may uphold, modify or reverse the Planning Commission's decision.

18. Board of Supervisors

Non-Action Items:

Status review of projects

Internal communications and administrative matters

Correspondence to the Board of Supervisors

– Monthly Report on the Activities of the TRPA Governing Board (Submitted by Shelly Aldean)

Status reports and comments from the members of the Board

Staff comments and status report

19. 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.

20. For Possible Action: To Adjourn

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.

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

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
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: November 27, 2013