

# CARSON CITY BOARD OF SUPERVISORS

## Minutes of the November 6, 2008 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, November 6, 2008 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Mayor Marv Teixeira  
Supervisor Robin Williamson, Ward 1  
Supervisor Shelly Aldean, Ward 2  
Supervisor Pete Livermore, Ward 3  
Supervisor Richard Staub, Ward 4

**STAFF:** Larry Werner, City Manager  
Alan Glover, Clerk - Recorder  
Melanie Bruketta, Chief Deputy 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, PLEDGE OF ALLEGIANCE, AND INVOCATION (8:30:00) -** Mayor Teixeira called the meeting to order at 8:30 a.m. Roll was called; a quorum was present. Bob Hadfield led the pledge of allegiance. Airport Road Church of Christ Reverend Bruce Henderson gave the invocation.

**PUBLIC COMMENTS (8:31:10) -** Mary Ann Bennett expressed appreciation for the JAC Transit System, and discussed needed improvements to bus stops at Fleischmann Way and the northeast corner of Tenth and Division Streets. Supervisor Aldean requested Ms. Bennett's phone number and advised that she would have Transportation Manager Patrick Pittenger contact her. Supervisor Aldean advised that sidewalk improvements are being systematically addressed throughout town.

Mayor Teixeira called for additional public comment; however, none was forthcoming.

**1. ACTION ON APPROVAL OF MINUTES - October 2, 2008 (8:34:36) -** Supervisor Aldean moved to approve the minutes, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

**2. CHANGES TO THE AGENDA (8:35:03) -** Mayor Teixeira modified the agenda to hear item 11 prior to item 10.

**RECESS BOARD OF SUPERVISORS (8:35:14) -** Mayor Teixeira recessed the Board of Supervisors at 8:35 a.m.

### LIQUOR AND ENTERTAINMENT BOARD

**CALL TO ORDER AND ROLL CALL (8:35:17) -** Chairperson Teixeira convened the Liquor and Entertainment Board. All members were present, including Member Furlong, constituting a quorum.

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**ACTION ON APPROVAL OF MINUTES - September 18, 2008 (8:35:35)** - Member Aldean moved to approve the minutes, as presented. Member Williamson seconded the motion. Motion carried 5-0.

**3. DEVELOPMENT SERVICES - BUSINESS LICENSE**

**3(A) ACTION TO APPROVE A DINING ROOM WITH BEER AND WINE ONLY LIQUOR LICENSE FOR THOMAS THE NGUYEN DBA PHO COUNTRY, LOCATED AT 2495 NORTH CARSON STREET, CARSON CITY (8:36:05)** - Development Services Director Walter Sullivan introduced this item, and referred to the agenda materials.

(8:36:45) Thomas Nguyen introduced himself for the record. Sheriff Furlong acknowledged having completed the background investigation with no objections. Mr. Nguyen acknowledged understanding of the responsibility to ensure no liquor would be served to minors, and that his staff would be required to attend the Sheriff's Office servers education class.

Chairperson Teixeira entertained a motion. **Member Aldean moved to approve a dining room with beer and wine only liquor license for Thomas Nguyen, dba Pho Country, located at 2495 North Carson Street, Carson City, including the non-refundable investigation fee of \$500; additionally all sellers or servers of liquor must attend the Sheriff's Office servers education class within 120 days of the business opening or this approval. Member Livermore seconded the motion.** In response to a question, Mr. Nguyen advised of plans to open by mid-December or the first of January 2009. Supervisor Williamson wished Mr. Nguyen good luck. In response to a further question, Mr. Nguyen described the location of his restaurant next door to Kentucky Fried Chicken and across the street from Valley Chevrolet. Chairperson Teixeira called for a vote on the pending motion; **motion carried 6-0.**

**3(B) ACTION TO APPROVE A DINING ROOM WITH BEER AND WINE ONLY LIQUOR LICENSE FOR BRIAN ANDERSON DBA BA'S DEN, LOCATED AT 1301 NORTH CARSON STREET, CARSON CITY (8:39:10)** - Mr. Sullivan introduced this item, and referred to the agenda materials.

(8:39:28) Brian Anderson introduced himself for the record. Member Furlong advised of having completed the background investigation with no objections. In response to a question, Mr. Anderson advised of having operated a similar business in southern California. He acknowledged understanding of the responsibility to ensure no liquor would be served to minors, and that his staff would be required to attend the Sheriff's Office servers education class. Mr. Anderson advised that his business, at 1301 North Carson Street, was the former Silvana's Restaurant. BA's Den will be a billiards hall with five, 4x8 pool tables and "bar-type food." Member Livermore expressed concern that the operation will attract underage patrons, and the hope that the Sheriff's Office provides "extreme oversight ... only because of that arrangement." Mr. Anderson acknowledged the concern, and explained the wrist band method by which legal-age patrons will be identified.

Chairperson Teixeira wished Mr. Anderson much success, and entertained a motion. **Member Williamson moved to approve a dining room with beer and wine only license for Brian Anderson, dba BA's Den, located at 1301 North Carson Street, Carson City, including the non-refundable investigation fee of \$500; additionally, all sellers or servers of liquor must attend the Sheriff's Office servers education class within 120 days of the business opening or this approval. Member Aldean seconded the motion. Motion carried 6-0.**

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**ACTION TO ADJOURN AS THE LIQUOR AND ENTERTAINMENT BOARD (8:45:05)** - Chairperson Teixeira adjourned the Liquor and Entertainment Board at 8:45 a.m. and reconvened the Board of Supervisors.

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**4. CONSENT AGENDA (8:45:34)** - Mayor Teixeira entertained requests to hear items separate from the consent agenda. When none were forthcoming, he entertained a motion. **Supervisor Livermore moved for approval of the consent agenda, consisting of 11 items: 4-1(A) and (B) for Purchasing and Contracts; 4-2, Development Services Engineering; 4-3 from City Manager, items (A), (B), and (C), recognition to the appointments of John Kelly and Alexander Carter to the Airport Authority; item 4-4, Resolution No. 2008-R-47 for item (A); 4-5, Public Works, with Resolution No. 2008-R-48; 4-6 for the Treasurer, for the eleven items on the agenda as published and advertised. Supervisor Staub seconded the motion, and commended the service of Alex Carter and John Kelly to the City and the Airport Authority. Mayor Teixeira called for a vote on the pending motion; motion carried 5-0.**

**4-1. PURCHASING AND CONTRACTS**

**4-1(A) ACTION TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND TO APPROVE THE RELEASE OF FINAL PAYMENT IN THE AMOUNT OF \$75,242.50 FOR CONTRACT NO. 2006-196 TITLED AIRPORT ROAD AND FAIRVIEW DRIVE SEWER MAIN REHABILITATION PROJECT TO INSITUFORM TECHNOLOGIES, INC.**

**4-1(B) ACTION TO DETERMINE THAT KLEEN INDUSTRIAL SERVICES IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO NRS CHAPTER 332 AND PURSUANT TO THE BOARD'S FINDING THAT IT IS IN THE PUBLIC'S BEST INTEREST TO ACCEPT THE BID EXCEPTIONS AND TO AWARD CONTRACT NO. 0809-064 TO KLEEN INDUSTRIAL SERVICES FOR A NOT-TO-EXCEED COST OF \$41,227.00 TO BE FUNDED FROM THE WWTP UPGRADE PHASE 1A FUND, AS PROVIDED IN FY 2007 / 2008**

**4-2. DEVELOPMENT SERVICES ENGINEERING - ACTION TO APPROVE DEDICATION OF AN EMERGENCY TURN AROUND EASEMENT FROM JAMES L. GOTCHY TRUST TO CARSON CITY; CONTAINING 1,626 SQUARE FEET ±; FROM APN 008-192-59 LOCATED AT 1301 SOUTH CARSON STREET, CARSON CITY, NEVADA**

**4-3. CITY MANAGER**

**4-3(A) ACTION TO APPOINT ALEXANDER CARTER TO THE AIRPORT AUTHORITY TO FILL THE "INDUSTRIAL" POSITION AND TO APPOINT JOHN KELLY TO FILL THE "FIXED BASE OPERATOR" POSITION; THESE APPOINTMENTS ARE FOR FOUR-YEAR TERMS ENDING OCTOBER 2012**

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**4-3(B) ACTION TO APPROVE AN AMENDMENT TO THE LEASE OF MUNICIPAL PROPERTY TO THE CARSON CITY ARTS ALLIANCE, INC., DATED JUNE 24, 1977, BY RECOGNIZING THAT THE CARSON CITY ARTS ALLIANCE, INC. IS NOW THE BREWERY ARTS CENTER AND BY AMENDING SECTION XII, INSURANCE, TO REFLECT CURRENT INSURANCE AMOUNTS AND TERMS**

**4-3(C) ACTION TO APPROVE SUBLEASING A PORTION OF THE BREWERY ARTS CENTER TO SCOTTY'S FAMILY RESTAURANT TO OPERATE A CAFÉ SUBJECT TO THE TERMS OF THE AMENDED LEASE BETWEEN CARSON CITY AND THE BREWERY ARTS CENTER**

**4-4. PARKS AND RECREATION**

**4-4(A) ACTION TO ADOPT A RESOLUTION ENTITLED "A RESOLUTION ADOPTING AND APPROVING THE FACILITY USE AGREEMENT BETWEEN CARSON CITY AND THE BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION"**

**4-4(B) ACTION TO APPROVE AND AUTHORIZE PARKS AND RECREATION DEPARTMENT DIRECTOR ROGER MOELLENDORF TO SIGN A QUESTION #1 FUNDING AGREEMENT BETWEEN CARSON CITY (GRANTEE) AND THE STATE OF NEVADA, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, DIVISION OF STATE LANDS (GRANTOR) FOR \$75,000 IN GRANT FUNDS TO BE USED TOWARD IMPROVEMENTS AT THE FULSTONE WETLANDS**

**4-4(C) ACTION TO APPROVE AND AUTHORIZE PARKS AND RECREATION DEPARTMENT DIRECTOR ROGER MOELLENDORF TO SIGN A QUESTION #1 FUNDING AGREEMENT AMENDMENT BETWEEN THE STATE OF NEVADA, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, DIVISION OF STATE LANDS (GRANTOR) AND CARSON CITY (GRANTEE) TO REVISE THE AGREEMENT'S SCOPE OF WORK BY EXTENDING THE LINEAR PARK BICYCLE / HIKING TRAIL PROJECT AREA TO THE MOFFAT OPEN SPACE PROPERTY AND CHANGING THE PROJECT BUDGET WORK SHEET**

**4-5. PUBLIC WORKS - ACTION TO APPROVE A RESOLUTION ADOPTING AND APPROVING THE AGREEMENT BY AND BETWEEN CARSON CITY AND GREGG STREET PARTNERS, LLC, TO SELL GREGG STREET PARTNERS, LLC A PORTION OF CERTAIN REAL PROPERTY DESCRIBED AS APN 009-161-01, PURSUANT TO NRS 244.281(e)(1)(I) FOR TEN THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$10,450.00) AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT; AND TO APPROVE THE SIGN AND ELECTRICAL EASEMENT FOR APN 009-161-01**

**4-6. TREASURER - AUTHORIZATION REQUESTED TO CHANGE THE HOURS THE TREASURER'S OFFICE IS OPEN TO THE PUBLIC ON DECEMBER 26<sup>TH</sup> TO BE 8:00 A.M. TO 10:00 A.M.**

(8:47:24) Mayor Teixeira recognized Mayor-elect Bob Crowell, and the Board members, City staff, and citizens present applauded him.

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**5. PURCHASING AND CONTRACTS - ACTION TO DETERMINE THAT K.G. WALTERS CONSTRUCTION COMPANY, INC. IS THE BEST BIDDER PURSUANT TO NRS CHAPTER 338 AND TO AWARD CONTRACT NO. 0809-072, CARSON CITY ARSENIC WATER TREATMENT PLANT AND PIPE LINE PROJECT RE-BID TO K.G. WALTERS CONSTRUCTION COMPANY, INC. FOR A BID AMOUNT OF \$2,537,572.00 PLUS A CONTINGENCY AMOUNT NOT TO EXCEED \$253,757.00 TO BE FUNDED FROM THE 2007 CARSON CITY ARSENIC LEVEL REDUCTION PROJECT, AS PROVIDED IN FY 2007 / 2008** (8:47:46) - Purchasing and Contracts Coordinator Sandy Scott introduced Christy McQueary, the part-time assistant for the Purchasing and Contracts Division and the Risk Management Division. Mayor Teixeira welcomed Ms. McQueary. Ms. Scott also introduced Risk Manager Michelle Cruz, and Mayor Teixeira welcomed her. Ms. Scott introduced the subject item, and reviewed the agenda report. Mr. Werner acknowledged the project had been re-bid.

Supervisor Aldean noted that the lowest bidder, Edstrom Construction, Inc., was disqualified due to lack of a Nevada Certificate of Eligibility. Ms. Scott acknowledged this as common knowledge among contractors pursuant to NRS 338. In response to a question, Deputy Public Works Director Ken Arnold advised that no extension would be requested to meet federal arsenic compliance requirements. The goal is to construct the plant “before the peak season. ... If there’s a little bit of hold up, ... we’ll have to continue to operate more in the blending scenario until the plant is complete.” Mr. Arnold acknowledged the City will not be deemed non-compliant.

Mayor Teixeira called for additional comment and, when none was forthcoming, entertained a motion. **Supervisor Aldean moved to determine that K.G. Walters Construction Company, Inc. is the best bidder pursuant to NRS Chapter 338 and to award Contract No. 0809-072, Carson City Arsenic Water Treatment Plan and pipeline project re-bid to K.G. Walters Construction Company, Inc. for a bid amount of \$2,537,572.00, plus a contingency amount not to exceed \$253,757.00, to be funded from the 2007 Carson City Arsenic Level Reduction Project, as provided in FY 2007 / 2008.** Supervisor Williamson seconded the motion. Motion carried 5-0.

**6. DEVELOPMENT SERVICES PLANNING AND ZONING - ACTION TO ADOPT, ON SECOND READING, BILL NO. 134, AN ORDINANCE TO CHANGE THE ZONING OF A PORTION OF TWO PARCELS FROM RETAIL COMMERCIAL (RC) AND MOBILE HOME 12,000 (MH12) TO GENERAL COMMERCIAL (GC), ON PROPERTY LOCATED AT 2670 HIGHWAY 50 EAST AND 1710 NORTH LOMPA LANE, APNs 008-161-60 AND -69** (8:52:00) - Development Services Director Walter Sullivan introduced this item, and described the location of the property on the northeast corner of Highway 50 and Lompa Lane which will accommodate the Sierra Gold Casino. Mayor Teixeira entertained public and Board member comments. When none were forthcoming, he entertained a motion. **Supervisor Livermore moved to adopt, on second reading, Ordinance No. 2008-35, an ordinance to change the zoning of a portion of two parcels from retail commercial and mobile home 12,000 to general commercial, on property located at 2670 Highway 50 East and 1710 North Lompa Lane, APN 008-161-60 and -69, based on the findings contained in the staff report.** Supervisor Staub seconded the motion. Motion carried 5-0.

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#### 7. CITY MANAGER

**7(A) ACTION TO CONTRIBUTE \$1,500.00 TO THE 2010 NACO NATIONAL CONFERENCE TO BE HELD IN RENO** (8:53:30) - Bob Hadfield reviewed the October 22, 2008 letter included in the agenda materials, and requested the Board to contribute \$1,500 in support of the 2010 NACo Conference. In response to a question, he advised that a similar item had been agendaized for the first meeting in November in most of the Nevada counties. Supervisor Williamson advised that the Nevada Association of Counties Conference will be held at the same time as the 2010 NACo National Conference. In response to a question, Mr. Hadfield advised that the national conference is scheduled for July 2010. He reviewed details of the national conference sponsorships. Supervisor Williamson noted the significance of the opportunity for the national conference to be hosted in Washoe County. Mr. Hadfield discussed pre- and post-conference activities "to highlight the entire region" in consideration of the fact that many participants spend time vacationing with their families prior to and after the conference.

Mayor Teixeira entertained a motion. **Supervisor Williamson moved to contribute \$1,500 to the 2010 NACo National Conference to be held in Reno. Supervisor Staub seconded the motion. Motion carried 5-0.** In response to a question, Mr. Hadfield advised that Douglas County will contribute \$10,000. Supervisor Williamson announced the Nevada Association of Counties Annual Conference which will be held in Carson City, beginning Wednesday, November 12<sup>th</sup>. She noted the lodging and restaurant opportunities for the City, and discussed the desperate need for some kind of conference center.

(9:04:23) Mayor Teixeira recognized Supervisor-elect Molly Walt and the Board members, City staff, and citizens present applauded her.

**7(B) ACTION TO ADOPT A RESOLUTION ELECTING TO RECEIVE A SHARE OF THE STATE OF NEVADA'S SECURE RURAL SCHOOLS (SRS) REVENUES PURSUANT TO SECTIONS 102(a)(1)(B) AND 103 OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000, WHICH HAS BEEN AMENDED AND RE-AUTHORIZED FOR FY 2008 - 2011 (SRS2008), REFERRED TO AS THE "FULL COUNTY PAYMENT AMOUNT"** (9:04:43) - Finance Department Director Nick Providenti reviewed the agenda report, and responded to questions of clarification. Mayor Teixeira entertained Board and public comments. When none were forthcoming, he entertained a motion. **Supervisor Aldean moved to adopt Resolution 2008-R-49, a resolution electing to receive a share of the State of Nevada Secure Rural Schools revenues, pursuant to Sections 102(a)(1)(B) and 103 of the Secure Rural Schools and Community Self-Determination Act of 2000, which has been amended and re-authorized for FFY 2008 - 2011, referred to as the "full county payment amount;" fiscal impact is an additional revenue of \$4,162 to the general fund. Supervisor Livermore seconded the motion. Motion carried 5-0.**

**7(C) DISCUSSION AND POSSIBLE ACTION REGARDING THE TERMS OF THE 2007 AGREEMENT BETWEEN RSVP AND CARSON CITY** (9:06:38) - Mayor Teixeira introduced this item. (9:06:54) Nevada Rural Counties RSVP Executive Director Janice Ayres referred to an e-mail sent to the Board members, and requested the terms of "the original agreement" agreed to by the RSVP Board of Directors "in moving up to 3303 Butti Way, Building 1." She provided background information on the RSVP's relocation to 3303 Butti Way, Building 1, which included remodel of the interior at a cost to the RSVP of \$50,000. She stated that "part of the deal was that we give up, that year to the City out of our community service money, ... the amount of rent we were paying at that time which was \$19,200. And that was to be for one year and then we could go back and ask for our community service money without

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anything being taken from us.” She requested the Board to “honor the original agreement which is the lease ... for five years and a five-year option at \$1 a year.” She further requested that the \$19,200 in community service funding be returned, in addition to \$35,000 “ongoing” without “anymore deductions being taken.” She reviewed the RSVP community programs.

Supervisor Livermore recalled the chain of events, during the community service grant request process, that the \$35,000 grant included a rent payment for a previous RSVP location. Ms. Ayres advised that \$35,000 was allocated to the RSVP in 2008 “but took \$19-something out of it. We ended up with \$12,300.” Supervisor Livermore pointed out that the City had made a building available to the RSVP at \$1 per year, representing “the deduction of the grant because there was no longer a lease payment.” Ms. Ayres reiterated the background information regarding the City’s offer for the RSVP to relocate to the Butti Way building. “At no time was there any discussion that this money was going to be taken out.” She suggested the detail should have been included in the lease agreement. Mayor Teixeira acknowledged the community services provided by RSVP.

Mr. Werner read from meeting minutes which indicated Ms. Ayres’ request for the Board to approve the lease agreement, in acknowledgment that the agreement would decrease the City’s financial support for RSVP, and an intent to seek additional funding if and when the City’s retail sales tax revenues improve. Mr. Werner advised that the City’s current position “absolutely reflects” what Ms. Ayres agreed to in the Board of Supervisors meeting, according to the minutes. Ms. Ayres advised that no one “had ever mentioned” that the community service grant funding would be reduced on an ongoing basis. She discussed details of the building remodel, and advised that “we would have never moved that far out of town if it hadn’t been our true belief that we had a \$1 a year lease on that building and we were only going to give up our community money one time.”

Supervisor Aldean reviewed the most recent community services grant funding process which did not entertain new applications due to the City’s financial situation, and for which a ten percent decrease was instituted. She referred to the April 5, 2007 Board of Supervisors agenda report which was included in the agenda materials, and noted in the Explanation of the Recommended Board Action that the \$19,200 would be deducted in lieu of rent each year. She advised that this was the basis upon which she voted in favor of the lease agreement. She noted that the deduction amounts to “a wash. ... Instead of paying \$19,200 to Doug Hone, you’re in a larger building, albeit you had to spend some money, but you agreed to accept it as is.” In response to a comment, Supervisor Aldean noted the importance of all community service organizations understanding that the community services grant program is completely discretionary. “It may go away entirely in the future if we don’t have the monies to support it.” In response to a further comment, Supervisor Aldean reiterated that the RSVP has a lease for \$1 per year and there is no guarantee that the community services grant program funding will continue to be allocated depending upon the City’s fiscal constraints.

Supervisor Staub expressed concern over the appearance that there were side agreements made “in this whole process.” He noted the lease agreement which indicated \$1 per year. In response to a question, Mr. Werner advised there are no other agreements in existence. In response to a further question, he explained that “instead of paying the \$30-some thousand which included also one-shot monies, the ongoing was about \$12,000 to \$13,000.” The City offered, “because we don’t have the money, we’re not going to pay you the \$19,000 but we will give you a building for \$1 a year. That’s the agreement. That’s what the Board action was, that’s what the agreement was, that’s what the lease is. ‘We are renting to you a building for \$1 a

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year. We, however, reduced your ongoing community support money by \$19,000.” In response to a further question, Mr. Werner advised there was no agreement regarding the community services funding. “It’s a board action, just a budget action.”

Mayor Teixeira noted that it was his recommendation to the Board that community services grant funding be reduced by ten percent. He further noted the issue of “a lack of communication and a lack of documentation.” Ms. Ayres acknowledged having spent \$45,000 “up front,” and that the RSVP could have stayed at the previous location for \$15,000 per year. Mayor Teixeira expressed an interest in making a deal with which Ms. Ayres could be happy. He emphasized the Board cannot guarantee any amount of funding to a community service organization. Ms. Ayres advised that the relocation required approval by RSVP’s “federal grantors;” that the Butti Way location was only approved because of the \$1 per year lease. In response to a question, Mr. Werner advised that the City hasn’t deducted anything for RSVP’s rent. The grant funding was reduced. Ms. Ayres acknowledged that the RSVP had spent \$45,000 on the remodel and that grant funding had been reduced by \$38,000 over the last two-year period. Mayor Teixeira suggested not charging anything for the remaining term of the lease and allowing the next Board of Supervisors to address the matter.

Supervisor Staub referred to the April 5, 2007 agenda report, with the explanation of the recommended Board action. He noted that the agenda report “merely authorizes the lease, as written,” which states \$1 per year. “There is nothing in that lease regarding any references to deductions from the community services grant program.” In response to a comment, Mr. Werner reiterated that instead of budgeting an additional \$19,200 to the RSVP, as a community services grant allocation, the City “gave them a building. There’s no side agreement.” Mr. Werner noted the Board’s absolute discretion to determine the amount of a lease agreement. Supervisor Staub expressed understanding for the explanation, but noted the detail was not included in the lease. Mr. Werner advised that no such detail would be included in a lease agreement “because we didn’t have to give the \$19,000 in the first place.” Supervisor Staub expressed the opinion that the lease speaks for itself, including an entire agreements clause. Mr. Werner reiterated that the community service grant funding allocated to the RSVP had nothing to do with the lease “because that’s a discretionary action of this Board.” Ms. Ayres interpreted the reduced community service grant funding allocation as “an illegal deduction.”

In reference to Ms. Ayres’ earlier statement that the RSVP could have remained in their previous location for \$15,000 per year, Supervisor Aldean suggested paying the difference between the \$19,200 and \$15,000. In response to a comment, she recalled having requested to include language in the lease agreement that the RSVP was accepting the space “as is.” “Rather than do that and legislate from the dais, you agreed, on the record, to stipulate that you were taking the space ‘as is.’” Supervisor Aldean expressed regret over the fact that the RSVP “had to spend so much money. She reiterated the suggestion for the RSVP to return to their previous location and for the City to pay the difference between the \$19,200 and the \$15,000. Ms. Ayres declined, and suggested that the offer amounted to “asking us to go through another trauma.” She asserted that the City had “made a lease agreement with me and my board, and representation sat down with me and my board, and only talked about \$1 a year ‘as is’ and we agreed that any work had to be done there, we would do. But, at no time was it said to us that you were going to make a side agreement that whatever community money we got, whatever it was, you were going to take out \$19,200 for the whole term of the lease. That was never, ever told to us.”

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Mayor Teixeira entertained a motion. **Supervisor Staub moved to enforce the agreement between the City of Carson and the RSVP as it currently stands.** In response to a question, Supervisor Staub noted the \$1 per year lease. **Mayor Teixeira seconded the motion.** Supervisor Aldean expressed the opinion that the motion wouldn't accomplish anything. She acknowledged that the lease agreement indicates \$1 per year. "This Board adopted, without going through the normal public process, ... a resolution basically to provide our community organizations with a certain level of support and the only level of support that we approved for RSVP was the \$12,200. That is an action that the Board took. So we can adopt Richard's motion, but it doesn't accomplish anything." In response to a comment, Supervisor Aldean noted that Ms. Ayres had requested to have the \$19,200 reinstated. In response to a question, Ms. Ayres advised that she would "ask for what I think I can get and what is right and what I think is owed to this program for the 35 years we've been doing all this, and I think ... what you give out in community money is very small to what we give you in return." Supervisor Aldean agreed. Ms. Ayres agreed to "accept this lease and the rest to be taken up later."

Supervisor Williamson clarified that Ms. Ayres would appear before the Board during the community services grant process, and that the Board may decide there are insufficient revenues to allocate funding to the community services grant program. Ms. Ayres stated, "We'll take our chances." Mayor Teixeira requested a roll call vote. **Supervisors Staub, Livermore, Williamson, Aldean, and Mayor Teixeira - yes. Motion carried 5-0.**

**7(D) ACTION TO APPROVE A THREE PERCENT (3%) COST OF LIVING INCREASE FOR UNCLASSIFIED JUDICIAL PERSONNEL (9:36:55)** - Mayor Teixeira introduced this item. Mr. Werner provided background information and reviewed the agenda report. (9:38:07) Justice Court Administrator Maxine Cortes, representing the District, Justice, and Municipal Courts and the judges, acknowledged agreement with the cost of living increase. Mr. Werner acknowledged that the next cost of living increase for unclassified employees will be presented as "one bundle."

Mayor Teixeira entertained a motion. **Supervisor Livermore moved to approve a three percent cost of living increase for unclassified judicial personnel. Supervisor Staub seconded the motion. Motion carried 5-0.** Ms. Cortes thanked Mr. Werner, Human Resources Department Director Jennifer Schultz, and District Attorney's Office staff. Mayor Teixeira commended Ms. Cortes on her performance as Justice Court Administrator.

**7(E) ACTION TO APPROVE GENERAL POLICY 1.1, ESTABLISHING THE METHOD FOR UPDATING AND REVISING THE CARSON CITY ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL, DEFINING THE PROCESS FOR APPROVAL OF POLICIES AND PROCEDURES, AND DEFINING THE PROCESS FOR DISTRIBUTION OF THE POLICIES AND PROCEDURES TO CARSON CITY STAFF (9:40:05)** - Mr. Werner reviewed the agenda report. Mayor Teixeira called for public comment; however, none was forthcoming. In response to a question, Mr. Werner advised that the policies and procedures will be available to the public via the City's website. Supervisor Livermore requested that the policies and procedures be clearly distinguished from ordinances and resolutions.

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Mayor Teixeira entertained a motion. **Supervisor Williamson moved to approve General Policy 1.1, establishing the method for updating and revising the Carson City Administrative Policies and Procedures Manual, defining the process for approval of policies and procedures, and defining the process for distribution of the policies and procedures to Carson City staff. Supervisor Aldean seconded the motion. Motion carried 5-0.**

**8. HUMAN RESOURCES - ACTION TO APPROVE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY EMPLOYEES ASSOCIATION FOR THE PERIOD OF JULY 1, 2008 TO JUNE 30, 2012 AND THE ADDENDUM TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN CARSON CITY, THE CARSON CITY EMPLOYEES ASSOCIATION, JUDGE RUSSELL, JUDGE MADDOX, JUDGE WILLIS, AND JUDGE TATRO (9:42:13)** - Senior Deputy District Attorney Joel Benton introduced this item, reviewed the agenda report, and the differences between the proposed and previous contracts. At Supervisor Aldean's request, he reviewed the revisions provided to the Board members and staff as late material. Mr. Benton advised that a proposed addendum would cover the classified judicial employees under the terms of the contract, which provisions he reviewed.

Human Resources Department Director Jennifer Schultz acknowledged having reviewed the agreement and the addendum, and indicated her support. In response to a question, Finance Department Director Nick Providenti advised that the agreement will cost an additional \$240,000 in the FY 08 / 09 and FY 09 / 10 budgets. He acknowledged the funding would be identified "somewhere." (9:48:12) Carson City Employees Association President Cindy Gower acknowledged satisfaction with the agreement. In response to a question, she reviewed various provisions.

Mayor Teixeira called for public comment and, when none was forthcoming, entertained a motion. **Supervisor Williamson moved to approve the collective bargaining agreement between Carson City and the Carson City Employees Association for the period of July 1, 2008 to June 30, 2012, and the addendum to the collective bargaining agreement between Carson City, the Carson City Employees Association, Judge Russell, Judge Maddox, Judge Willis, and Judge Tatro. Supervisor Livermore seconded the motion.** Supervisor Aldean expressed the understanding that there will be a savings to the general fund over the life of the agreement. Mr. Providenti advised that, as compared to the current contract, "this will save approximately \$350,000." Mayor Teixeira called for a vote on the pending motion. **Motion carried 5-0.** Mayor Teixeira thanked Mr. Benton, Ms. Schultz, and Ms. Gower for their attendance and presentation.

## **9. PUBLIC WORKS OPERATIONS**

**9(A) ACTION TO APPROVE A WATER AGREEMENT BETWEEN SOUTH CARSON, LLC AND CARSON CITY FOR THE PURCHASE OF 13.9635 ACRE FEET OF EAGLE VALLEY GROUNDWATER (9:51:05)** - Deputy Public Works Director Ken Arnold reviewed the agenda report, and responded to questions of clarification. Supervisor Aldean reviewed suggested revisions to the agreement. Mayor Teixeira entertained public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to approve the Water Agreement between South Carson LLC and Carson City for the purchase of 13.9635 acre feet of Eagle Valley groundwater, as indicated here today. Supervisor Aldean seconded the motion. Motion carried 5-0.**

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**9(B) ACTION TO ACCEPT FUNDING FROM THE CARSON WATER SUBCONSERVANCY DISTRICT (CWSO) IN THE AMOUNT OF \$150,000.00 TO ASSIST CARSON CITY WITH THE DEVELOPMENT OF A REGIONAL WATER PROGRAM PLAN** (9:55:06) - Mr. Arnold reviewed the agenda report, and responded to questions of clarification. Mayor Teixeira called for public comment; however, none was forthcoming. Supervisor Aldean noted a revision to page 1 of the interlocal contract which was included in the agenda materials. Mayor Teixeira entertained a motion. **Supervisor Livermore moved to accept funding from the Carson Water Subconservancy District in the amount of \$150,000.00 to assist Carson City with the development of a regional water program plan. Supervisor Williamson seconded the motion. Motion carried 5-0.** Mayor Teixeira recessed the meeting at 9:57 a.m. and reconvened at 10:05 a.m.

**RECESS BOARD OF SUPERVISORS** (10:05:56) - Mayor Teixeira recessed the Board of Supervisors at 10:05 a.m.

**REDEVELOPMENT AUTHORITY**

**CALL TO ORDER AND ROLL CALL** (10:06:04) - Chairperson Williamson called the Redevelopment Authority to order. All members were present constituting a quorum.

**ACTION ON APPROVAL OF MINUTES - October 2, 2008** (10:06:14) - Member Aldean moved to approve the minutes, as presented. Member Teixeira seconded the motion. Motion carried 5-0.

**10. SUPERVISOR WILLIAMSON - ACTION TO APPROVE AN ALLOCATION OF \$67,100 OF REDEVELOPMENT FUNDING TO CARSON NUGGET TO ASSIST WITH THE TURNKEY COSTS, REIMBURSABLE FROM PROJECT PROCEEDS, IN SUPPORT OF RENTING ICE SKATING RINK EQUIPMENT, PROFESSIONAL INSTALLATION, AND PROFESSIONAL SUPPORT SERVICES FOR A HOLIDAY SEASON ICE SKATING VENUE IN THE DOWNTOWN ON THE CARSON NUGGET PARKING LOT, FORMERLY THE HISTORIC ARLINGTON HOTEL, OPEN TO THE PUBLIC DECEMBER 4, 2008 THROUGH FEBRUARY 16, 2009** (11:09:31) - Chairperson Williamson introduced this item. Business Development Manager Joe McCarthy thanked Chairperson Williamson for spearheading the subject opportunity, provided background information on this item, and reviewed the agenda report. Deputy Business Development Manager Tammy Westergard narrated a presentation of the "Get Down" winter activities.

(11:18:00) Carson City Nugget General Manager Kevin Beaton discussed financial, logistical, and advertising support for the program. He described the ice rink across the street from the Nugget as a "magnet" for the Nugget, and looked forward to participating.

In response to a question, Mr. McCarthy explained that, upon advice from the City's Risk Management Division and the Finance Department Director, it would be most prudent for the Office of Business Development to manage the ice rink thereby providing the liability coverage through the City. Member Aldean expressed support for the program and, in response to a question, Mr. McCarthy advised that the City will enter into agreement with the ice rink vendor. He acknowledged the equipment rental and professional services agreement will in no way affect the joint funding agreement between the City and the Nugget. Member Aldean noted the need to amend the contract. Mr. Beaton advised that the Nugget has contributed \$70,000 in addition to use of the parking lot. Chairperson Williamson thanked Mr. Beaton.

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Member Teixeira complimented everyone involved on the “great idea” as “something this community has needed for a long time.” He provided historic information on the first ice skating rink in Carson City in 1980. He commended staff on retaining a professional ice rink vendor, and expressed the hope that sufficient documentation will be produced and retained. He wished the venture much success, and reiterated his commendation to everyone involved.

In response to a question, Mr. McCarthy advised of sufficient redevelopment funding to cover the program. He acknowledged optimistic revenue projections as reflected in the business plan, but advised that the Redevelopment Authority will be reimbursed over a period of time following completion of the program. He advised that a complete report will be provided to the Redevelopment Authority upon completion of the program. Member Livermore thanked the Nugget for their support. In response to a previous question, Ms. Westergard reviewed operational details as well as a list of institutional partners, including the Carson City Library, the Carson City Convention and Visitors Bureau, and the Carson City School District PTA.

Chairperson Williamson opened this item to public comment. (11:27:25) Sierra Nevada Figure Skating Club Director-At-Large Susan Burns reviewed her credentials, and discussed her experience with ice skating rink operations. She offered to assist Ms. Westergard with developing an ice show for opening day, and responded to questions regarding possibilities for the subject ice rink.

(11:30:57) Brewery Arts Center Executive Director John Procaccini advised that the ice rink vendor is “top- notch” and nationally well-known. He expressed appreciation for Ms. Westergard’s “110 percent” commitment, and support for the program.

(11:32:19) Lynn Remick, a mother of two competitive figure skaters, expressed support for “any ice in Carson City.” She suggested considering accommodating “upper level freestyle skating kids” at the ice rink “without battling crowded rinks.”

(11:34:37) Jim Shirk inquired as to the cost of a two-hour session. Ms. Westergard advised that general adult admission is \$7; children \$5; three years and under are free. Mr. Shirk expressed support for the program.

(11:35:04) Jed Block expressed support for the program, and conveyed the support of Charlie and Karen Abowd.

In response to a question, Ms. Westergard referred to the concessions revenue noted in the business plan, and advised that concessions will be managed and offered throughout the entire operation. Vendors will be selected by the Office of Business Development. Member Staub commended the program, and expressed agreement with an earlier suggestion to complete an incentive funding application. He commended the project, and everyone involved on developing it so quickly.

Chairperson Williamson discussed the need for sponsorship funding, advised of dasher board advertising opportunities, and discussed partnerships with community organizations and cross-promotions with restaurants and other downtown retailers. In response to a comment, Ms. Westergard assured the Redevelopment Authority members that she volunteers her time for the “Get Down” events. In response to a further comment, she advised that the concessions portion of the business is “built within ... and we’re relying on some of that revenue to offset the costs of putting this rink together.”

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Member Teixeira anticipated that the ice rink will be very successful. In response to a question, Ms. Westergard advised that skate rental is included as part of the ice rink vendor's operation. Mayor Teixeira recommended "turning the private sector loose, and let them pick up the ball that you started ..." Mr. McCarthy advised of the intent to do so. "What we're doing is entrepreneurial now and, eventually, when it is a money maker," it will be turned over to the private sector. Member Teixeira suggested "that should be the intent." Ms. Westergard and Mr. McCarthy indicated their agreement. Ms. Westergard thanked City staff of the Development Services Department, Building Division, Health Department, Finance Department, D.A.'s Office, and Risk Management. "Everybody has instantly stopped what they were doing and gotten us answers to questions that we needed so that we could keep all of this moving."

Chairperson Williamson entertained a motion. **Member Aldean moved to approve an allocation of \$67,100 of redevelopment funding to share equally with the Carson Nugget to pay the \$134,200 turnkey costs, reimbursable from project proceeds, in support of renting ice skating rink equipment, professional installation, and professional support services for a holiday season ice skating venue in the downtown on the Carson Nugget parking lot, formerly the historic Arlington Hotel, open to the public from December 4, 2008 through February 16, 2009, subject to amendment of the joint funding agreement to reflect Carson City as the customer under the equipment rental and professional services agreement. Member Teixeira seconded the motion. Motion carried 5-0.**

**11. MAYOR TEIXEIRA - DISCUSSION AND ACTION REGARDING A REQUEST FROM THE FIRST PRESBYTERIAN CHURCH FOR REIMBURSEMENT OF EXPENSES (\$86,633.88) INCURRED IN THE REDESIGN AND RELOCATION OF A NEW CHURCH SANCTUARY (10:06:53)** - Chairperson Williamson introduced this item. Member Teixeira provided background information, and reviewed the agenda report.

(10:08:01) James Robertson provided background information on the First Presbyterian Church renovation project. He advised of having been verbally promised by City representatives, "We'll help you out." He further advised that the renovation project is nearly complete, and that the new plans were paid for by the City, as promised. He expressed deep appreciation for this "because we had to move the site." He further advised of having billed the City for "any other expense that was incurred due to the fact that we had to move the site from one end of our property to the other. That total is about \$145,000 of which you've already paid over \$59,000 to date." Mr. Robertson requested approval for the balance due of \$86,633.88 "because we are complete and would like to finish it up financially also." He reiterated deep appreciation for the City's cooperation in acknowledgment of "a tough situation." "Nevertheless, we were denied a permit to tear down the old building and build a new one on our own property so this is what it cost us extra to accommodate that decision."

Chairperson Williamson entertained additional comment by First Presbyterian Church representatives; however, none was forthcoming. Mr. Robertson invited the Board of Supervisors to the First Presbyterian Church open house scheduled for November 21<sup>st</sup> from 4:00 p.m. to 6:00 p.m. He distributed to the Redevelopment Authority members and staff correspondence between himself and Chairperson Williamson and between Business Development Manager Joe McCarthy and First Presbyterian Church Building Committee Chairman Ken Pearson. In response to a question, Mr. Robertson advised of his understanding that the assistance to be provided was financial "to move the site." He acknowledged the understanding that the City would assume any additional costs as a result of being denied the demolition permit, having to redesign the site, and relocate the sanctuary. Mr. Robertson advised of "offers of help. There was no

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definite statement or contract, but there were numerous offers of help, not only from City officials but from outside sources and fund raisers and so forth, from which we never heard. But this room was packed at the time, this was in 2005 ...”

(10:13:32) First Presbyterian Church Senior Pastor Bruce Kochsmeier advised of having been present at “the meeting” with Mr. Robertson and “our entire building committee.” Supervisor Williamson and Mr. McCarthy were also present at said meeting, “at which time we were presented with an alternative plan.” “Would we consider building our same essential structure on alternative space on our building ground if the City would pay for redesign costs, any of the costs accompanied by the existing contractor to do that redesign, and any of the accompanying costs that would be incurred by having to tie the new building to the old building, any additional sidewalk and landscaping sorts of costs that we would not otherwise have incurred if we had been able to simply demolish our old building and build on that site. And the understanding, at that meeting, was that those costs would be covered by the redevelopment commission.” Pastor Kochsmeier acknowledged that the Redevelopment Authority had allocated \$47,600, on May 24, 2006 for the redesign. In response to a question, Pastor Kochsmeier advised there was no indication, at that time, that the \$47,600 allocation would be the extent of the City’s contribution. In response to a further question, he advised that “in the original agreement, ... it was our understanding that those would be covered. Our understanding was the redesign amount that you’ve described would be covered, as would all the ongoing costs to complete the project that would be additional, over and above, to what we would have otherwise incurred.” Pastor Kochsmeier further acknowledged that the representations were made by redevelopment staff at the time the alternative site was presented.

Chairperson Williamson called for additional comment; however, none was forthcoming. She advised that the referenced meeting was held in the Planning Division, and attended by herself, Development Services Director Walter Sullivan, Principal Planner Jennifer Pruitt, and Attorney John Griffin in addition to First Presbyterian Church representatives. She further advised of having always realized that she is one member of a board, and that she communicates in terms of a willingness to seek assistance and to work together. Upon having received the most recent letters from Mr. Robertson, she advised of having met with Mr. McCarthy and Mr. Werner. The Redevelopment Authority is in the process of revising its policies and procedures. Chairperson Williamson related details of a conversation with First Presbyterian Church Building Committee Chairman Ken Pearson and Elder Jim Robertson. She described recently-completed sidewalk / driveway access improvements for which City transportation funds were allocated. In response to a question, Pastor Kochsmeier advised that the improvements were done on City property “for the City’s benefit. It did not directly benefit us and it’s not anything that we would have done. ... We would not have incurred that and, again, if we had been building on the site we’re describing that we asked for in the first place, ... that would not have been necessary.” In response to a comment, Pastor Kochsmeier advised that the “City made improvements to their property as they saw fit because they provided a permit to build on that corner that we would not have otherwise built upon.” Chairperson Williamson advised that her conversation with Transportation Manager Patrick Pittenger had generated the project. She further advised that she and Mr. McCarthy continued to review the figures and consider “how we’re going to make this work.” Ultimately a decision was made that the Redevelopment Authority could not pay for the costs, and Chairperson Williamson advised of having informed Mr. Robertson accordingly. She further informed Mr. Robertson that she would personally follow through on the pledge to form the non-profit, fund-raising entity for the historic preservation of structures. She advised of not having previously pursued formation of the non-profit entity based on a request by First Presbyterian Church representatives to avoid competing interests in consideration of the fund raising efforts for their new sanctuary. She further advised of

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concerns raised, at the time of the meeting, over the separation of church and state; that the Redevelopment Authority can allocate funding for historic preservation but not for “building a brand new sanctuary.” She explained that the non-profit entity will provide an opportunity for people to contribute to preservation of historic churches in the community. She reiterated the commitment to form the non-profit entity, and advised of having informed Mr. Robertson of the inability to use City funds to cover the costs.

Mr. Robertson recalled the phone conversation, and apologized for not having understood it all. “The whole concept here, now, of being cut off and you’ll try and raise some money is not what we’ve been going on and we never would be in this position, we wouldn’t be here today if the decision wasn’t rendered that we could not tear down that unsafe building; the building that we had had three prior engineering inspections who all told us it was seismically unsafe.” Mr. Robertson advised that the First Presbyterian Church congregation moved out of the old sanctuary in 2001, and had been meeting in their Family Life Center ever since. He stated, “It was a bad decision because the building was unsafe and, according to the last engineer, if you want to preserve the outside walls ... you can count on the new facility which wouldn’t have been as big as this one ... to be four times that of what it would cost if you’d demolish the building and build a new one.” Mr. Robertson expressed the opinion that the First Presbyterian Church had no choice and reiterated “that was a bad decision.”

In reference to Chairperson Williamson’s earlier comments, Pastor Kochsmeier noted the distinction between separation of church and state and the preservation of an historic structure. He advised that “the monies being requested here are per the original agreement that any costs involved in building on this alternative site that are related to preserving the existing structure would be the costs that we would be helped with, that would be paid for.” He referred to an invoice and advised that it included costs associated “not with building the new sanctuary. We’re the ones who have paid for that. The costs that we’re describing are ones that are directly related to the old building and the grounds in the historic area related to the historic redevelopment. It is not the new building that any of these invoice figures relate to.” He reiterated that the First Presbyterian Church would not have undertaken this project “if we had not felt that these costs would be covered as we believe they were promised they would be covered in the project.”

Member Livermore noted the “missing link” of transparency of process. He inquired as to the application to begin this project. “There should have been an application, a detailed contract in the form of who says what and who’s going to pay what.” Any project needs to start with the process of an application in order to fully determine the history. Member Livermore referred to the policies and procedures being developed for the Redevelopment Authority, and noted the importance of an application process. “Here we are today. We’ve got a very upstanding citizen and a very established church competing with what this Authority represented or didn’t represent.” Member Livermore noted the unfortunate situation because of his understanding of Chairperson Williamson’s intent to save the historic structure.

Pastor Kochsmeier reiterated that the First Presbyterian Church was invited to engage in the process. He advised of having requested “more than once, in correspondence that you have, a contract and a verbatim written agreement, but we felt that since we had been invited by the City to participate in this, and we agreed to what the invitation entailed, that we were operating in good faith.” Member Livermore noted the “trail that follows” an initiated contract. He expressed the hope that the City Manager would initiate a brand new application about “what is expected and what we will do and won’t do and who pays for what ... because right now it’s a matter of ‘he said, she said’ and this letter and that letter and it’s a poor way, as Marv said, to run a railroad.” Pastor Kochsmeier advised of having responded to the Redevelopment

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Authority representing the Board of Supervisors in good faith “and we did what we were offered and we have documentation.” Chairperson Williamson advised that the Redevelopment Authority was asked, in a public meeting, to pay for architectural drawings which was done. “There was no commitment by the Redevelopment Authority to cover all costs and there’s been no, of the costs that are incurred, none of those costs were ever brought to the City prior to them being expended and saying, ‘Is this something that you can cover?’” Pastor Kochsmeier reiterated this was not the understanding of the First Presbyterian Church representatives.

In response to a question, Development Services Director Walter Sullivan advised that the initial demolition permit for the church was denied by the Historic Resources Commission. Chairperson Williamson reviewed pro bono work done by Architect Peter Wilday and Structural Engineer Paul Ferrari. She advised that Mr. Wilday offered the idea of relocating the sanctuary, and to do the architectural drawings pro bono. Pastor Kochsmeier acknowledged having elected to continue with the original architect, Fred Dolven. Chairperson Williamson further advised that Mr. Wilday had offered to obtain the church’s furniture at a discounted rate. Mr. Robertson acknowledged that this offer was also declined. He further acknowledged discussion regarding the formation of the non-profit entity.

Mr. Robertson acknowledged having received a check in the amount of \$47,600 on May 24, 2006. Member Teixeira expressed concern that an additional \$8,568 was approved for payment by redevelopment staff. An additional \$11,000 was subsequently paid by redevelopment staff. Member Teixeira noted this was approximately \$20,000 more than was appropriated by the Redevelopment Authority, and reiterated concern over the process. Mr. Robertson acknowledged the First Presbyterian Church representatives’ understanding that the Redevelopment Authority would pay additional costs incurred for the relocation. Member Teixeira acknowledged the positive intent of everyone involved, “but this is not the correct way to go.”

Member Aldean acknowledged the issue of separation of church and state, and advised of having reviewed the list of expenses which appeared to be “fairly well described.” She expressed reluctance over taking action at this meeting without having the District Attorney’s Office “weigh in” on whether the Redevelopment Authority is legally entitled to approve payment of additional costs. Member Staub agreed, but expressed concern over resolving the present predicament. He advised that the recently-completed redevelopment authority audit addresses some of the issues discussed at this meeting, such as an application process. In reference to new sidewalks, curbs, and gutters, he read from the February 6, 2007 letter from Chairperson Williamson, which was included in the agenda materials. He suggested that the statement indicates no clear representation, in writing, that “somehow upon receipt of an \$86,000 request that it was going to be paid.” He noted the “bad situation” on behalf of the City and on behalf of the church. He expressed the opinion that, regardless of the District Attorney’s opinion, the proper way to address the situation would be to go through the application process. He suggested the alternative possibility of negotiating payment of the costs.

(10:36:58) Mr. Robertson advised that the First Presbyterian Church was always willing to fill out any application, “do whatever we were instructed to do.” He expressed opposition to blame being assigned to the church. “We have done exactly what was offered and not a word was ever said until just recently.” Member Staub clarified he was not implying any wrongdoing on the part of the church. “Whenever we’ve had to deal with citizens, whether they are part of a church or not, it really is the City’s responsibility to make sure the i’s are dotted and the t’s are crossed.” Member Staub advised that a decision would have

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to be made by the Redevelopment Authority as to how to address \$86,000 in expenditures and perhaps “ratify the \$23,000 that has been expended without Authority approval.” He requested staff to advise the Redevelopment Authority as to its options.

In response to a question, Chairperson Williamson advised that the project was never submitted to the Redevelopment Authority Citizens Committee. Member Livermore advised “that’s what the board relies on for sound recommendation to this board. We can’t sit here on the dais and deal with an issue complicated as this in five or ten minutes worth of business. So that’s why we appoint the citizens committee.”

Mr. Werner suggested meeting with First Presbyterian Church representatives with an application; to review the actual costs and determine those which are actually associated with relocating the sanctuary. Since the new procedure involves the Redevelopment Authority Citizens Committee, Mr. Werner suggested submitting the application and requesting their recommendation to the Redevelopment Authority.

Member Teixeira commented on the issue of “arbitrary spending by the City.” Mr. Werner took exception to the statement because there were previously no policies and procedures in place for the Redevelopment Authority. Pastor Kochsmeier acknowledged having expended funding based on the invoices presented, and that the church continues to incur debt. In response to a question, he advised of an ongoing line of credit in the form of an interest accruing construction loan. **Member Teixeira moved that the Redevelopment Authority reimburse, in this fiscal year, \$43,000 to the First Presbyterian Church for expenses incurred which were represented to be paid by the City; the additional \$43,000 will be up to fund raising efforts and further examination of the invoices to be paid no sooner than July 1, in the next fiscal budget, of 2009. Member Staub seconded the motion,** with the request that Member Teixeira amend his motion to ratify the payments of \$8,568 and \$11,612.36 which have already been expended. **Member Teixeira so amended his motion. Member Staub continued his second.**

Member Aldean noted respect for everyone involved in the process, and acknowledged the possibility of missteps along the way. She reiterated having studied the invoices, and advised of attempting to compare them to the figures included in the correspondence. She reiterated a reluctance to “arbitrarily spending the taxpayers’ money today until we go through a more definitive process of analyzing these expenses, determining whether or not we are legally entitled to spend this money given this issue that we’ve previously discussed.” She expressed understanding for the church’s position with regard to continuing to incur debt, and suggested the possibility of providing some relief. She expressed the opinion that it needs to be done “in a more logical and systematic manner than just dividing the amount and disbursing the funds.” Member Teixeira expressed understanding for Member Aldean’s concerns, and pointed out that his motion included re-examination of the invoices with no payment of the remaining 50 percent to be made until July 1, 2009. Member Staub inquired as to the First Presbyterian Church’s request being “all or nothing at all.” Mr. Robertson requested the opportunity to confer with the other First Presbyterian Church representatives, and Chairperson Williamson recessed the meeting at 10:45 a.m. She reconvened the meeting at 10:51 a.m.

In response to a question, Mr. Robertson agreed with the terms of the proposal as outlined in Member Teixeira’s motion. (10:51:47) First Presbyterian Church Building Committee Chairman Ken Pearson acknowledged that the City had redone the King Street intersection adjacent to the church, “but they actually had to tear out work that we had already paid for. We built the sidewalks there as per approved

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plans, but Patrick [Pittenger] came walking by one day when I was there and realized that it didn't meet his interpretation of how things should look. So that redesign was generated from that. We had built it according to our approved plans and so, therefore, concrete that we paid for was torn out." Mr. Pearson acknowledged "it is a very beautiful corner now, hopefully safer and all that. We will enjoy that benefit." With regard to Mr. Robertson's agreement with the terms of Member Teixeira's motion, Mr. Pearson advised of out-of-pocket expenses incurred. He discussed the Redevelopment Authority's agreement to reinforce the church structure, using the services of Peter Wilday and Paul Ferrari, and a recommendation to re-roof a portion of the historic structure which expense would be included in the costs to be covered by the City. He advised of having also reinforced one of the four walls of the old structure, "another modest request that we have in our program." He reiterated that these out-of-pocket expenses were directly related to the historic church. He advised of having requested that the City "provide us with a game plan within two years. Haven't heard back for various reasons, I'm sure, but we asked Ernie Adler, our half of Griffin's team that was putting this non-profit together, 'Where does this all stand?' Well, it kinda died, it seems like. We never heard from you guys." Mr. Pearson advised of a very important point in the request letter "of which we never received a response was the liability of this church structure." He further advised that "the City did agree at some point to pay a portion of our insurance which was agreed to be the liability portion for that historic building and that's \$3,200," also a part of the \$86,000 request. He advised that the church would consider the \$43,000 offered in Member Teixeira's motion as payment of this year's insurance premium. He clarified that the church will continue to be exposed to that liability and, therefore, required to carry insurance "until the City or someone comes up with the funds and the program to reinforce the structure."

Member Teixeira suggested that Mr. Pearson's presentation constituted "some of the nuts and bolts that will be handled prior to the next payment" to be agreed upon by both parties. He reiterated the intent of his motion. Member Livermore discussed the significance of historic structures to the community, and commended the investment of community funds as "worthy." He expressed support for submitting the project to the application process. He expressed reluctance over the appropriateness of committing funds before the application process and invoices are carefully reviewed. He reiterated support for maintaining the community's historic structures.

Member Aldean requested clarification of the motion. In response to a question, Member Teixeira explained the intent of his motion to pay \$43,000 now and to hold \$43,000 in abeyance until July 1, 2009. In the meantime, invoices would be reviewed and fund raising efforts commenced, and the amount may be adjusted as a recommendation presented to the Redevelopment Authority. Member Aldean inquired as to the reason for paying anything without having reviewed any of the invoices. Member Teixeira discussed the intent to arrive at a compromise. He noted the "data and information that represent the City's going to pay." He further noted that the First Presbyterian Church had incurred costs, together with the ongoing debt. He reiterated the intent of his motion to pay a minimum of \$43,000 now with the possibility of an additional \$43,000 payment on July 1, 2009.

Member Aldean suggested delaying action until the first Board of Supervisors meeting in December, to take the opportunity for the parties to meet, to review the invoices, and to consider some of the issues identified in this meeting. She noted the criticism that the City has not been following protocol. She expressed appreciation and agreement for Member Teixeira's intent to "do the right thing," but noted the importance of doing so "in accordance with a system that allows us to be objective and look after the interests of the Carson City taxpayers." Member Staub expressed understanding for Member Teixeira's

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intent and for Member Aldean's point. He agreed with delaying action for two weeks in order to schedule a meeting between City staff and First Presbyterian Church representatives to present more verifiable figures. He pointed out that doing so may create the potential for allocating more than \$43,000. In reference to a discussion held during the recess, Member Staub expressed confidence that none of the Redevelopment Authority members consider anyone's actions as ill-intended. He noted the original intent to preserve an historic structure has been accomplished to the benefit of the community. He expressed confidence that "we'll do better in the future."

Chairperson Williamson called for additional Redevelopment Authority comments and, when none were forthcoming, public comment. (11:03:31) Jim Shirk noted the unfortunate situation, and discussed the importance of the Redevelopment Authority carefully considering the process "so when citizens come here, we can hear the process."

(11:04:17) Jed Block expressed the hope that future discussions would include a representative of the Historic Resources Commission.

(11:04:55) Joe Eiben expressed concern over the City paying for a portion of the church's liability insurance. Ms. Bruketta advised of the possibility of the City being liable, but that the District Attorney's Office hadn't been consulted on this issue.

(11:05:41) Brewery Arts Center Executive Director John Procaccini commended the First Presbyterian Church's renovation project. He advised that the Brewery Arts Center "is looking to add curb appeal," and requested the Redevelopment Authority to consider that their action on this matter may establish a precedent.

Member Teixeira anticipates that the payments will be in excess of \$43,000. He advised that the intent of his motion was to "start the ball rolling." He suggested that \$43,000 would help the church's debt service. Chairperson Williamson called for a vote on the pending motion. **Motion failed 1-4.**

Chairperson Williamson entertained a motion. **Member Aldean moved to delay action on this item until the first meeting in December which will enable the parties to meet, review invoices, complete a standard incentive application, and bring it back to the Redevelopment Authority. Member Staub seconded the motion. Motion carried 4-1.**

**ACTION TO ADJOURN AS THE REDEVELOPMENT AUTHORITY** (11:45:45) - Chairperson Williamson adjourned the Redevelopment Authority, and Mayor Teixeira reconvened the Board of Supervisors.

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**12. SUPERVISOR WILLIAMSON - ACTION TO APPROVE AN ALLOCATION OF \$67,100 OF REDEVELOPMENT FUNDING TO CARSON NUGGET TO ASSIST WITH THE TURNKEY COSTS, REIMBURSABLE FROM PROJECT PROCEEDS, IN SUPPORT OF RENTING ICE SKATING RINK EQUIPMENT, PROFESSIONAL INSTALLATION, AND PROFESSIONAL SUPPORT SERVICES FOR A HOLIDAY SEASON ICE SKATING VENUE IN THE DOWNTOWN ON THE CARSON NUGGET PARKING LOT, FORMERLY THE HISTORIC**

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**ARLINGTON HOTEL, OPEN TO THE PUBLIC DECEMBER 4, 2008 THROUGH FEBRUARY 16, 2009 (11:46:00)** - Mayor Teixeira entertained a motion. Supervisor Aldean moved to approve an allocation of \$67,100 of redevelopment funding to share equally with the Carson Nugget to pay the \$134,200 turnkey costs, reimbursable from project proceeds, in support of renting ice skating rink equipment, professional installation, and professional support services for a holiday season ice skating venue in the downtown on the Carson Nugget parking lot, formerly the historic Arlington Hotel, open to the public from December 4, 2008 through February 16, 2009, subject to the amendment of the joint funding agreement to reflect Carson City as the customer under the equipment rental and professional services agreement. Supervisor Williamson seconded the motion. Ms. Bruketta advised that State law allows the Board to consent to the allocation. Supervisor Aldean amended her motion accordingly. Supervisor Williamson continued her second. Motion carried 5-0.

**13. MAYOR TEIXEIRA - DISCUSSION AND ACTION REGARDING A REQUEST FROM THE FIRST PRESBYTERIAN CHURCH FOR REIMBURSEMENT OF EXPENSES (\$86,633.88) INCURRED IN THE REDESIGN AND RELOCATION OF A NEW CHURCH SANCTUARY (11:46:54)** - Mayor Teixeira entertained a motion. Supervisor Aldean moved to delay consideration of this item until the first meeting in December which will enable staff time to get together with the applicant and review the invoices, fill out an application, and bring it back before this Board for review and consent. Supervisor Williamson seconded the motion. Motion carried 5-0.

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

**INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS** - None.

**CORRESPONDENCE TO THE BOARD OF SUPERVISORS (11:48:27)** - Mayor Teixeira advised that a very special family in the community was just blessed with quadruplets. The father is a U.S. Marine stationed in Afghanistan. His wife, Dara, lives with her mother and five children. Mayor Teixeira advised that any assistance will be greatly appreciated. A fund raiser is scheduled for December 7<sup>th</sup> at Decades Bar in Carson City. Mayor Teixeira provided contact information, and advised he would provide the same to *Nevada Appeal* reporter Dave Frank.

Mayor Teixeira further advised of having reviewed a recent e-mail from Joe Eiben expressing opposition to the method by which the draft redevelopment authority audit report was made public. Mayor Teixeira explained that any information distributed in a public meeting is accessible to the public. (11:50:41) Joe Eiben expressed understanding of the provisions of the Nevada Open Meeting law. He explained that the draft audit report stated "confidential," and expressed opposition to the fact that management staff did not have the opportunity to reply to the audit report prior to it being "shuffled around."

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

**STAFF COMMENTS AND STATUS REPORT (11:47:47)** - Mr. Werner advised that the November 20<sup>th</sup> Board of Supervisors agenda would include an item for action to schedule the first Board of Supervisors meeting in January for Monday, the 5<sup>th</sup>. Swearing-in ceremonies will be scheduled for 8:30 a.m. and the Board of Supervisors meeting will start at 10:00 a.m. Mr. Werner requested the Board members to contact him with any concerns.

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**RECESS BOARD OF SUPERVISORS (11:51:52)** - Mayor Teixeira advised that Nevada Energy would not be making a presentation at 6:00 p.m. He recessed the meeting at 11:51 a.m.

**RECONVENE BOARD OF SUPERVISORS (5:59:44)** - Mayor Teixeira reconvened the Board of Supervisors at 5:59 p.m. All members of the Board were present constituting a quorum.

**15. SUPERVISOR LIVERMORE - PRESENTATION BY NEVADA ENERGY ON THE SALIMAN ROAD POWER LINE AND POSSIBLE ACTION REGARDING THE ALIGNMENT AND CONFIGURATION (5:59:57)** - Mayor Teixeira advised there would be no presentation by Nevada Energy at this meeting. He advised of a recent meeting facilitated by Governor Gibbons, which he attended accompanied by Mr. Werner and Supervisor Pete Livermore. The Nevada Department of Transportation was represented by Director Susan Martinovich and her staff, and Nevada Energy by President Jeff Ceccarelli and his staff. Mayor Teixeira advised of having proposed Saliman Road as the last place in Carson City for a 120KV power line. He described the subsequent discussion as “very, very productive.” He further advised that it is now the intent of Nevada Energy and the Nevada Department of Transportation to cooperate in identifying an alternative route along the freeway bypass. The citizens in attendance applauded Mayor Teixeira’s announcement. Mayor Teixeira advised that there are technical issues to work through, and expressed appreciation to Nevada Energy for their cooperation and to Governor Gibbons for facilitating the meeting.

Mayor Teixeira opened this item to public comment. (6:06:11) Day Williams, representing “the homeowners” advised of having followed advice to develop a petition for which he had 119 signatures. He expressed appreciation to Mayor Teixeira, Governor Gibbons, and the Board of Supervisors. Mayor Teixeira advised that Supervisor Livermore had facilitated the neighborhood meetings. Mr. Williams thanked Nevada Energy representatives, and everyone who provided assistance. He expressed gratitude that “our elected officials got together on this and pulled it off.”

(6:07:42) An unidentified woman thanked her neighbors for getting the word out.

(6:08:14) Collin Harlow, Senior Counsel for NV Energy, clarified that the power line in question was 12.5 KV, “not 125.” In reference to the numerous meetings, he expressed Nevada Energy’s desire to do what’s best for the City. He advised of concerns that delays may potentially lead to a power outage by next summer. Mayor Teixeira expressed confidence that if a resolution had not been reached, the Board would have rescinded the construction permit. He expressed the opinion that Nevada Energy will be able to facilitate construction of the power line much faster than if the Saliman Road location had been pursued. Mr. Harlow reiterated concerns over reliability, and expressed the hope that the power line can be quickly made available for service. Mr. Harlow acknowledged a willingness to suspend the engineering permit issued by the City based on the understanding reached.

(6:10:35) Steven Hughes, a resident at the corner of Colorado Street and Saliman Road, advised of having arrived late to the meeting. Mayor Teixeira advised that the power line will be installed along the freeway bypass.

(6:11:11) Carolyn Barbash, of NV Energy, reiterated a willingness to suspend the engineering permit and work with NDOT on the alternative route. As Mr. Harlow stated, the primary concern of NV Energy is reliability for south Carson residents and businesses. “Changing plans right now has a real possibility of

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delaying the in-service date of this which does put south Carson residents and businesses at risk for an extended outage this summer.” Ms. Barbash explained that the route and the bypass will have to be redesigned, and equipment ordered which will most likely delay the in-service date. She advised of concerns over the cost impacts which is not a Nevada Energy decision but that of the Public Utilities Commission of Nevada. She reiterated a willingness to work with NDOT to determine additional costs, and advised of concerns over impacts to other residents as this will be an overhead construction “up Colorado, down Edmonds and back down Koontz.” In response to a question, Ms. Barbash clarified there is a small risk of outage. The purpose of the project is to disperse some of the load currently served from the Overland substation to the Fairview substation.

Supervisor Williamson suggested the consensus of the Saliman Road area residents would not be to pass the problem to another neighborhood. She requested Ms. Barbash to commit, as a representative of Nevada Energy, to keep the public informed of design progress. She offered to provide the mailing addresses of every property along the impacted route. Ms. Barbash advised of the plan to hold a public meeting once the redesign is completed, to which impacted residents would be invited.

Supervisor Livermore related details of the meetings with Governor Gibbons, State and City officials, and Nevada Energy representatives. Ms. Barbash acknowledged that the freeway bypass was originally considered as one possible route for the circuit between the Fairview and Overland substations. NDOT and NV Energy are now working together to “see if some of those complications can be resolved.”

Mayor Teixeira called for additional public comment; however, none was forthcoming. He reiterated his appreciation for Governor Gibbons’ involvement, and entertained a motion. Supervisor Livermore thanked the Saliman Road area residents, and commended Nevada Energy as a “good corporate partner to our community.” **Supervisor Livermore moved to direct staff to work with Nevada Energy and the Nevada Department of Transportation to facilitate the utility extension line down the Edmonds corridor, as described tonight. Supervisor Staub seconded the motion.** Mayor Teixeira expressed the hope that the citizens would express appreciation to Governor Gibbons for his excellent work. He called for a vote on the pending motion; **motion carried 5-0.**

**16. ACTION TO ADJOURN** (6:22:02) - Supervisor Aldean moved to adjourn the meeting at 6:22 p.m. Supervisor Livermore seconded the motion. Motion carried 5-0.

The Minutes of the November 6, 2008 Carson City Board of Supervisors meeting are so approved this \_\_\_\_\_ day of December, 2008.

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MARV TEIXEIRA, Mayor

ATTEST:

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ALAN GLOVER, Clerk - Recorder