

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 7, 2018 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, June 7, 2018 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Robert Crowell
Supervisor Karen Abowd, Ward 1
Supervisor Brad Bonkowski, Ward 2
Supervisor Lori Bagwell, Ward 3
Supervisor John Barrette, Ward 4

STAFF: Nancy Paulson, City Manager
Adriana Fralick, Deputy City Manager
Jason Woodbury, District Attorney
Dan Yu, Chief Deputy District Attorney
Kathleen King, Chief Deputy Clerk

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

1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE
(8:30:35) - Mayor Crowell called the meeting to order at 8:30 a.m. Ms. King called the roll; a quorum was present. Salvation Army Captain Mark Cyr provided the invocation. At Mayor Crowell's request, City Engineer Dan Stucky led the Pledge of Allegiance.

5. PUBLIC COMMENT (8:32:29) - Mayor Crowell entertained public comment. (8:32:58) City Engineer Dan Stucky introduced Senior Project Manager Stephen Pott y, and provided background information and an overview of the Epic Ride event relative to the Curry Street improvement project. Mr. Pott y provided additional details of the Epic Ride event, and responded to questions of clarification. Mayor Crowell thanked Mr. Stucky and Mr. Pott y.

(8:37:31) Assessor Dave Dawley provided an update on the new CAMA system.

(8:38:52) Utility Financial Oversight Committee Chair Andrea Engleman presented a report relative to item 11(B). She read into the record a motion of the Utility Financial Oversight Committee recommending that the Board approve the proposal to refinance the Series 2010A Water Bonds, and issue up to \$7 million in new bonds for construction of the east / west transmission line project. Mayor Crowell thanked Ms. Engleman and requested her to convey the Board's appreciation to the Utility Finance Oversight Committee.

Mayor Crowell entertained additional public comment. (8:43:14) Chief Building Official Ray Proffitt introduced the new Chief Building Official Cory Coleman. Mr. Coleman provided an overview of his background and experience. Mayor Crowell thanked Mr. Coleman and Mr. Proffitt.

Mayor Crowell entertained additional public comment and, when none was forthcoming, requested the Board members to join him on the meeting floor. Mayor Crowell invited former City Manager, Colonel Nick Marano to the meeting table and presented him with a framed aerial photograph of Carson City which

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had been signed by the City’s elected officials, department managers, and staff. Mayor Crowell and each of the Supervisors expressed their appreciation for Mr. Marano’s accomplishments. Mr. Marano thanked Mayor Crowell and the Board members for the opportunity to have served as the City Manager. He commended the department managers and their staff for their part in the successes and accomplishments.

6. POSSIBLE ACTION ON APPROVAL OF MINUTES - May 3, 2018 (8:54:25) - Mayor Crowell introduced this item, and entertained a motion. Supervisor Bonkowski moved to approve the minutes, “with four previously-submitted clerical corrections.” The motion was seconded and carried unanimously.

7. POSSIBLE ACTION ON ADOPTION OF AGENDA (8:55:15) - Mayor Crowell introduced this item, and advised of having been requested to defer item 12(B) to a future meeting. Mayor Crowell entertained additional modifications to the agenda and, when none were forthcoming, deemed the remainder of the agenda adopted, as published.

CONSENT AGENDA

(8:56:15) - Mayor Crowell introduced the consent agenda, and disclosed a family relationship relative to item 8(B). Mayor Crowell advised of no disqualifying conflict of interest and that he would participate in discussion and action. Mayor Crowell advised of having been requested to separately hear items 9(A), (C), and (D), and entertained additional requests to hear items separate from the consent agenda. When no additional requests were forthcoming, Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to approve the consent agenda, consisting of items 8(A), 8(B), and 9(B). Supervisor Barrette seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor John Barrette
AYES:	Supervisors Bonkowski, Barrette, Abowd, Bagwell, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

8. FINANCE DEPARTMENT

8(A) POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY, AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES, THROUGH MAY 18, 2018, PURSUANT TO NRS 251.030 AND NRS 354.290

8(B) POSSIBLE ACTION TO CERTIFY CHARGES, LEVY AND DIRECT THE TREASURER TO COLLECT SPECIAL ASSESSMENTS FOR FISCAL YEAR 2018 - 19, AS REQUESTED BY THE STATE ENGINEER OF THE STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR THE EAGLE VALLEY GROUNDWATER BASIN (\$6,000), AND THE DAYTON VALLEY GROUNDWATER BASIN (\$1,500), AND FURTHER DIRECT THE CHIEF FINANCIAL OFFICER TO REMIT THE SPECIAL ASSESSMENT COLLECTIONS TO THE STATE

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9. PURCHASING AND CONTRACTS

9(A) POSSIBLE ACTION TO APPROVE CONTRACT NO. 1718-224, ON-CALL GEOGRAPHIC INFORMATION SYSTEMS (“GIS”) SERVICES, TO MICHAEL BAKER INTERNATIONAL, FOR AN AMOUNT NOT TO EXCEED \$125,000, TO BE FUNDED FROM THE GIS DIVISION OF THE PUBLIC WORKS DEPARTMENT, AS PROVIDED IN THE FISCAL YEAR 2018 / 19 BUDGET (8:57:32) - Mayor Crowell introduced this item. Ms. Paulson introduced Purchasing and Contracts Administrator Carol Akers, and provided an overview of her background and experience. Ms. Akers presented the staff report, and Real Property Manager Stephanie Hicks reviewed proposed revisions to the contract. Mayor Crowell entertained questions or comments of the Board members and of the public and, when none were forthcoming, a motion. **Supervisor Abowd moved to approve Contract No. 1718-224, On-Call Geographic Information Systems Services to Michael Baker International, for an amount not to exceed \$125,000, to be funded from the GIS Division of the Public Works Department, as provided in the FY 2018 / 19 budget, to include the changes that have been entered on the record. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

9(B) POSSIBLE ACTION TO APPROVE THE FORENSIC SUPPORT SERVICES AGREEMENT, BETWEEN WASHOE COUNTY, ON BEHALF OF THE WASHOE COUNTY SHERIFF’S OFFICE AND CARSON CITY, ON BEHALF OF THE CARSON CITY SHERIFF’S OFFICE, FILE NO. 1819-002, FOR A FEE NOT TO EXCEED \$108,329.00, TO BE FUNDED FROM THE PROFESSIONAL SERVICES / LABORATORY EXPENSE ACCOUNT; THE TERM OF THIS AGREEMENT IS JULY 1, 2018 THROUGH JUNE 30, 2019

9(C) POSSIBLE ACTION TO DETERMINE THAT APEX GRADING AND PAVING, INC. IS THE LOWEST RESPONSIVE BIDDER, PURSUANT TO NRS CHAPTER 338, AND TO AWARD CONTRACT NO. 1718-204, PUBLIC SAFETY COMPLEX PARKING LOT REPLACEMENT PROJECT, TO APEX GRADING AND PAVING, INC. FOR A BASE BID AMOUNT OF \$152,925.00, AND A CONTINGENCY AMOUNT OF \$15,292.50, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$168,217.50, TO BE FUNDED FROM THE PUBLIC WORKS, BUILDING MAINTENANCE - ASPHALT REPAIR FUND (9:00:29) - Mayor Crowell introduced this item, and Purchasing and Contracts Administrator Carol Akers presented the staff report. City Engineer Dan Stucky provided background information on the parking lot and reviewed details of the project. Mr. Stucky and Mr. Yu responded to questions of clarification.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to determine that Apex Grading and Paving, Inc. is the lowest responsive bidder, pursuant to NRS 338, and to award Contract No. 1718-204, Public Safety Complex Parking Lot Replacement Project, to Apex Grading and Paving, Inc. for a base bid amount of \$152,925.00, and**

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a contingency amount of \$15,292.50, for a total not-to-exceed amount of \$168,217.50, to be funded from the Public Works, Building Maintenance, Asphalt Repair Fund, with the correction to the signature block. Supervisor Abowd seconded the motion. Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

9(D) POSSIBLE ACTION TO APPROVE AMENDMENT NO. 1 TO CONTRACT NO. 1415-158, CARSON CITY JAIL PHARMACEUTICALS, TO DIAMOND PHARMACY SERVICES FOR AN ADDITIONAL \$35,000, FOR A TOTAL NOT-TO-EXCEED ANNUAL AMOUNT OF \$110,000, TO BE FUNDED FROM THE PUBLIC ASSISTANCE / INMATE MEDICAL CARE FUNDS (9:05:45) - Mayor Crowell introduced this item, and Purchasing and Contracts Administrator Carol Akers presented the staff report. Health and Human Services Department Director Nicki Aaker and Ms. Paulson responded to questions of clarification. Mayor Crowell entertained additional questions or comments of the Board members and of the public and, when none were forthcoming, a motion. **Supervisor Abowd moved to approve Amendment No. 1 to Contract No. 1415-158, Carson City Jail Pharmaceuticals, to Diamond Pharmacy Services for an additional \$35,000, for a total not-to-exceed annual amount of \$110,000, to be funded from the Public Assistance / Inmate Medical Care Funds. Supervisor Bagwell seconded the motion.**

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

10. ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (8:57:32) - Please see the minutes for items 9(A), (C), and (D).

11. CITY MANAGER

11(A) POSSIBLE ACTION TO PROVIDE INPUT, FEEDBACK, AND SUPPORT FOR THE CARSON CITY AIRPORT AUTHORITY BILL DRAFT REQUEST APPROVED BY THE CARSON CITY AIRPORT AUTHORITY ON MAY 23, 2018 (9:10:53) - Mayor Crowell introduced this item, and read a prepared disclosure statement into the record. Mayor Crowell advised of no disqualifying conflict of interest and that he would participate in discussion and action. Airport Manager Ken Moen responded to questions regarding the upcoming Airport Open House event.

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Airport Counsel Steve Tackes presented the agenda materials, and responded to questions of clarification. Discussion followed. Mayor Crowell entertained additional questions or comments and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to support the Carson City Airport Authority bill draft request. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Abowd, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

In response to a question, Mayor Crowell clarified the Board's direction. Mr. Tackes discussed the "game plan" for the bill draft request in cooperation with Assemblyman Al Kramer.

11(B) POSSIBLE ACTION TO APPROVE A PROPOSAL TO REFINANCE THE SERIES 2010A WATER BONDS, AND ISSUE UP TO \$7 MILLION IN NEW BONDS FOR CONSTRUCTION OF THE EAST / WEST TRANSMISSION LINE PROJECT (9:38:35) - Mayor Crowell introduced this item, and Ms. Paulson introduced John Peterson, of JNA Consulting Group. Mr. Peterson thanked UFOC Chairperson Andrea Engleman for her "kind words" and "echo[ed] her earlier sentiment that this is akin to refinancing your home and using the savings to make some much-needed improvements." Mr. Peterson commended Ms. Engleman on her summary of the history behind the proposed refinancing. Mr. Peterson presented the agenda materials in conjunction with displayed slides. He responded to questions of clarification, and discussion followed.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to approve the proposal to refinance the series 2010A Water Bonds, and issue up to \$7 million in new bonds for construction of the East / West Transmission Line Project, entertaining the options that were brought forward today. Supervisor Bagwell seconded the motion.** Mr. Peterson responded to questions of clarification. Mayor Crowell entertained additional questions or comments and, when none were forthcoming, called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

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12. HUMAN RESOURCES

12(A) POSSIBLE ACTION TO APPROVE THE EMPLOYEE / RETIREE HEALTH INSURANCE CONTRACT WITH PROMINENCE HEALTH PLAN; DENTAL AND LIFE INSURANCE CONTRACTS WITH ANTHEM; THE HEALTH SAVINGS ACCOUNT CONTRACT WITH HR SIMPLIFIED; AND TO FUND HEALTH SAVINGS ACCOUNTS FOR ACTIVE EMPLOYEES IN THE FOLLOWING ANNUAL AMOUNTS FOR FISCAL YEAR 2019: \$2,143 (EMPLOYEE ONLY), \$3,269 (EMPLOYEE PLUS SPOUSE), \$3,128 (EMPLOYEE PLUS CHILDREN), AND \$4,430 (EMPLOYEE PLUS FAMILY) (10:02:28) - Mayor Crowell introduced this item, and Human Resources Department Director Melanie Bruketta presented the agenda materials. (10:04:16) LP Insurance Sales Executive Bridget Brundige introduced LP Insurance Employee Benefits Underwriter John Malamphy. Ms. Brundige reviewed the cost analysis report, and Mr. Malamphy provided additional clarification. Ms. Brundige responded to questions of clarification, and reviewed the dental loss ratio report.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bagwell moved to approve the employee/ retiree health insurance contract with Prominence Health Plan; dental and life insurance contracts with Anthem; the health savings account contract with HR Simplified; and to fund health savings accounts for active employees in the following amounts for FY 2019: \$2,143 for the employee only; \$3,269 for the employee plus spouse; \$3,128 for the employee plus children; and \$4,430 for the employee plus family. Supervisor Abowd seconded the motion, noting the late material which had been distributed to the Board members, the Clerk, and made available to the public prior to the start of the meeting. Ms. Bruketta reviewed the revised contract which had been distributed as late material. Supervisor Bagwell amended her motion to provide Ms. Bruketta the authority to make appropriate technical corrections to the contract. Supervisor Abowd continued her second, and commended Ms. Bruketta for all her hard work. Mayor Crowell entertained additional discussion on the motion and, when none was forthcoming, called for a vote.**

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Lori Bagwell
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bagwell, Abowd, Bonkowski, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Mayor Crowell recessed the meeting at 10:15 a.m., and reconvened at 10:32 a.m.

12(B) POSSIBLE ACTION TO APPROVE A COMPENSATION RANGE INCREASE FOR GRADE BA1 / 01 PUBLIC GUARDIAN SALARY FROM \$56,402.37 - \$84,603.56 TO \$65,000 - \$100,000 - Deferred.

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13. PURCHASING AND CONTRACTS

13(A) POSSIBLE ACTION TO APPROVE CONTRACT NO. 1819-001, A JOINDER CONTRACT WITH INTER-STATE OIL COMPANY, CARSON VALLEY OIL CO., AND FLYERS ENERGY LLC, THROUGH THE STATE OF NEVADA RFQ / CONTRACT NO. 3064, AMENDMENT 2, FOR BULK FUEL AND DELIVERY SERVICES, AND WITH THOMAS PETROLEUM LLC, THROUGH THE STATE OF NEVADA RFQ / CONTRACT NO. 3125, CARDLOCK FUELING NETWORK, FOR AN AMOUNT NOT TO EXCEED \$852,140.00, FROM VARIOUS CITY FUEL ACCOUNTS, AS APPROVED IN THE FY 2019 BUDGET (10:32:09) - Mayor Crowell introduced this item, and Purchasing and Contracts Administrator Carol Akers presented the staff report. Fleet Supervisor Zach Good reviewed details of the proposed contract. Mayor Crowell entertained public comment; however, none was forthcoming. Mr. Good responded to questions of clarification.

Mayor Crowell called again for public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to approve Contract No. 1819-001, a joinder contract with Interstate Oil Company LLC, Carson Valley Oil Company, and Flyers Energy LLC, through the State of Nevada RFQ / Contract #3064, Amendment 2, for bulk fuel and delivery services, and with Thomas Petroleum LLC, through the State of Nevada RFQ / Contract #3125, cardlock fueling network, for an amount not to exceed \$852,140.00 from various City fuel accounts, as approved in the FY 2019 budget. Supervisor Abowd seconded the motion.** Mayor Crowell called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

13(B) POSSIBLE ACTION TO DETERMINE THAT KG WALTERS CONSTRUCTION CO., INC. IS THE LOWEST RESPONSIVE BIDDER, PURSUANT TO NRS 338, AND TO AWARD CONTRACT NO. 1718-195, WRRF CAPITAL IMPROVEMENTS FY 18 PROJECT TO KG WALTERS CONSTRUCTION CO., INC. FOR A BASE BID AMOUNT OF \$6,705,000, PLUS ADDITIVE ALTERNATIVE #2 FOR \$478,000, ADDITIVE ALTERNATIVE #6 FOR \$7,980,000, TO BE FUNDED FROM THE SEWER FUND (10:35:44) - Mayor Crowell introduced this item, and Purchasing and Contracts Administrator Carol Akers presented the staff report. Ms. Akers acknowledged the stated amounts had been budgeted. Public Works Department Director Darren Schulz provided an overview of the WRRF capital improvements project relative to the subject and following two items. Mayor Crowell entertained questions or comments of the Board members and of the public and, when none were forthcoming, a motion. **Supervisor Abowd moved to determine that KG Walters Construction Co., Inc. is the lowest responsive bidder, pursuant to NRS Chapter 338, and to award Contract No. 1718-195, WRRF Capital Improvements FY18 Project, to KG Walters Construction Company, Inc. for a base bid amount of \$6,705,000, plus additive alternative #2 for \$478,000; additive alternative #6 for \$417,000, and a contingency amount of \$380,000, for a total not-to-exceed amount of \$7,980,000, to be funded from the Sewer Fund, with corrections to the signature line as submitted. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and,

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when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

13(C) POSSIBLE ACTION TO APPROVE AMENDMENT 1 TO CONTRACT NO. 1617-114, WATER RESOURCE RECOVERY FACILITY - CAPITAL IMPROVEMENTS FY 2018, TO KELLER ASSOCIATES, INC., FOR CONSTRUCTION SUPPORT, INTEGRATION AND IMPLEMENTATION SERVICES, FOR A NOT-TO-EXCEED AMOUNT OF \$744,259.00, TO BE FUNDED FROM THE SEWER FUND FOR A TOTAL CONTRACT AMOUNT OF \$1,963,177.00, AND TO EXTEND THE TERM OF THE CONTRACT THROUGH MARCH 31, 2020 (10:43:02) - Mayor Crowell introduced this item, and Purchasing and Contracts Administrator Carol Akers presented the staff report. Public Works Department Director Darren Schulz provided an overview of the contract details, and responded to questions of clarification. Mayor Crowell entertained additional Board member questions or comments and public comments and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to approve Amendment No. 1 to Contract No. 1617-114, Water Resource Recovery Facility - Capital Improvements FY 2018, to Keller Associates, Inc., for construction support, integration, and implementation services, for a not-to-exceed amount of \$744,259.00, to be funded from the Sewer Fund for a total contract amount of \$1,963,177.00, and to extend the term of the contract through March 31, 2020. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Abowd, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

13(D) POSSIBLE ACTION TO APPROVE CONTRACT NO. 1718-209, CARSON CITY WATER RESOURCE RECOVERY FACILITY CAPITAL IMPROVEMENTS FY 2018 - CONSTRUCTION MANAGEMENT STAFF AUGMENTATION SERVICES, TO HDR ENGINEERING, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$598,392.02, TO BE FUNDED FROM THE SEWER FUND CAPITAL ACCOUNT (10:48:39) - Mayor Crowell introduced this item, and Purchasing and Contracts Administrator Carol Akers presented the staff report. Public Works Department Director Darren Schulz provided an overview of the contract details. Mr. Schulz and Public Works Construction Manager Rick Cooley responded to questions of clarification.

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Mayor Crowell entertained additional Board member questions or comments and public comments and, when none were forthcoming, a motion. **Supervisor Abowd moved to approve Contract No. 1718-209, Carson City Water Resource Recovery Facility Capital Improvements FY18, Construction Management Staff Augmentation Services, to HDR Engineering, Inc., for a not-to-exceed amount of \$598,392.02, to be funded from the Sewer Fund Capital Account, also acknowledging the late material received on the revised RFP. Supervisor Barrette seconded the motion.** Mayor Crowell entertained discussion on the motion. Mr. Cooley responded to additional questions of clarification. Mayor Crowell called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor John Barrette
AYES:	Supervisors Abowd, Barrette, Bonkowski, Bagwell, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

14. FINANCE DEPARTMENT - POSSIBLE ACTION TO ALLOCATE THE COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) FUNDING FOR FY 2019, AND TO APPROVE FUNDING RECOMMENDATIONS TO THE STATE OF NEVADA’S GOVERNOR’S OFFICE OF ECONOMIC DEVELOPMENT CDBG PROGRAM (10:58:05) - Mayor Crowell introduced this item, and entertained disclosures. Supervisor Bonkowski read a prepared disclosure statement into the record, advising of a disqualifying conflict of interest and that he would abstain from discussion and action. Supervisor Barrette read a prepared disclosure statement into the record, advising of no disqualifying conflict of interest and that he would participate in discussion and action.

Grants Administrator Ana Jimenez introduced Governor’s Office of Economic Development CDBG Program Specialist Jessica Sanders, and presented the staff report. At Mayor Crowell’s request, Ms. Jimenez reviewed available CDBG funding percentages, and responded to questions of clarification.

Mayor Crowell entertained public comment. (11:07:54) Ron Wood Family Resource Center Supervisor Helena Saavedra introduced Reach Up! Program Director Lisa Yesitis and Juvenile Services Chief Ali Bannister. Ms. Saavedra and Ms. Yesitis discussed the need for additional funding for the Reach Up! Program. Ms. Bannister emphasized the value of the Reach Up! Program. Ms. Saavedra, Ms. Bannister, and Ms. Jimenez responded to questions of clarification.

(11:20:46) Parks, Recreation, and Open Space Department Director Jennifer Budge responded to questions regarding requested funding for the Long Ranch Park project.

(11:28:22) In response to a question, Ms. Saavedra advised that Ron Wood Family Resource Center Executive Director Joyce Buckingham had started the process “to become Medicaid billable.” She further advised of the future goal to open up a mental health clinic. She reiterated that Ms. Buckingham had not anticipated a reduction in the CDBG funding. “If she would have known, she would have applied for more grants. And so we do have options and plans set in place. Knowing now that that can be just taken out from underneath us, we could plan better. But I know our ultimate goal is to open up a mental health clinic

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to serve our community and meet those needs.” Ms. Saavedra acknowledged that such a venture could not be funded by CDBG.

In response to a question, Ms. Sanders advised that no additional funding is anticipated. Inquiries have been made to the HUD representative to determine funding amounts.

Mayor Crowell entertained public comment; however, none was forthcoming. Supervisor Bagwell discussed a possible solution, and Mayor Crowell entertained a motion. **Supervisor Bagwell moved to approve the Community Development Block Grant funding for FY 2019, as recommended by the Application Review Work Group; if additional funding becomes available, the first \$8,000 will be provided to Ron Wood and remaining dollars then would go to the Long Ranch Estates project. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Lori Bagwell
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bagwell, Abowd, Bonkowski, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

15. RECESS BOARD OF SUPERVISORS MEETING (11:33:27) - Mayor Crowell recessed the Board of Supervisors meeting at 11:33 a.m., and passed the gavel to Redevelopment Authority Chairperson Karen Abowd.

REDEVELOPMENT AUTHORITY

16. CALL TO ORDER AND ROLL CALL (11:36:27) - Chairperson Abowd called the Redevelopment Authority meeting to order at 11:36 a.m., noting the presence of a quorum.

17. PUBLIC COMMENT (11:36:38) - Chairperson Abowd entertained public comment; however, none was forthcoming.

18. POSSIBLE ACTION ON APPROVAL OF MINUTES - March 1, 2018; March 15, 2018; and April 19, 2018 (11:36:47) - Chairperson Abowd entertained a motion for the March 1, 2018 minutes. **Member Bonkowski moved to approve the March 1, 2018 minutes, with a correction to the approval date. Member Crowell seconded the motion. Motion carried 5-0.** Chairperson Abowd entertained a motion for the March 15, 2018 meeting. **Member Bonkowski moved to approve the March 15, 2018 minutes, with a correction to the approval date. The motion was seconded and carried unanimously.** Chairperson Abowd entertained a motion for the April 19, 2018 minutes. **Member Bagwell moved to approve the April 19, 2018 minutes. The motion was seconded and carried 4 - 0 - 1, Member Bonkowski abstaining.**

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19. PUBLIC WORKS DEPARTMENT - POSSIBLE ACTION TO APPROVE AND AUTHORIZE THE CHAIR TO SIGN A GRANT OF TEMPORARY EASEMENT BY THE CARSON CITY REDEVELOPMENT AUTHORITY, GRANTOR, TO SIERRA NEVADA ASSOCIATION OF REALTORS, INC., GRANTEE, FOR CONSTRUCTION OF DRAINAGE IMPROVEMENTS, ON PROPERTY OWNED BY THE CARSON CITY REDEVELOPMENT AUTHORITY, APN 003-114-06, PURSUANT TO NRS 279.470(4), AS IT WILL BE IN THE BEST INTEREST OF THE REDEVELOPMENT AUTHORITY AND CARSON CITY AND REALIGN FLOOD CONTROL FACILITIES (11:37:54) - Chairperson Abowd introduced this item, and entertained a disclosure. Member Bonkowski read a prepared disclosure statement into the record, advising of no disqualifying conflict of interest and that he would participate in discussion and action. Real Property Manager Stephanie Hicks presented the agenda materials.

Chairperson Abowd entertained public comment and, when none was forthcoming, a motion. **Member Bonkowski moved to approve and authorize the Chair to sign a Grant of Temporary Easement by the Carson City Redevelopment Authority, Grantor, to Sierra Nevada Association of Realtors, Inc., Grantee, for construction of drainage improvements, on property owned by the Carson City Redevelopment Authority, APN 003-114-06, pursuant to NRS 279.470(4), as it will be in the best interests of the Redevelopment Authority and Carson City and align flood control facilities. Vice Chairperson Bagwell seconded the motion.** Chairperson Abowd called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Member Brad Bonkowski
SECOND:	Vice Chair Lori Bagwell
AYES:	Member Bonkowski, Vice Chair Bagwell, Members Barrette, Crowell, Chair Abowd
NAYS:	None
ABSENT:	None
ABSTAIN:	None

20. COMMUNITY DEVELOPMENT

20(A) POSSIBLE ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING THE EXPENDITURE OF \$14,000 FROM THE FISCAL YEAR 2019 REDEVELOPMENT REVOLVING FUND TO SUPPORT VARIOUS SPECIAL EVENTS IN SUPPORT OF THE REDEVELOPMENT DISTRICT, AS RECOMMENDED BY THE REDEVELOPMENT AUTHORITY CITIZENS COMMITTEE (11:41:37) - Chairperson Abowd introduced this item, and Community Development Director Lee Plemel presented the agenda materials. At Member Bonkowski's request, Mr. Plemel listed the events which are funded annually.

Chairperson Abowd entertained additional Redevelopment Authority member questions or comments and public comments. When no additional questions or comments were forthcoming, Chairperson Abowd entertained a motion. **Vice Chairperson Bagwell moved to approve and recommend that the Board of Supervisors authorize the expenditure of \$14,000 from the FY 2019 Redevelopment Revolving Fund to support various special events in support of the Redevelopment District, as recommended by the Redevelopment Authority Citizens Committee, as an expense incidental to carrying out the Redevelopment Plan that has been adopted by the Carson City Board of Supervisors, and based upon the findings that there is a causal connection between the redevelopment effort and the need for the expenses; the expenses are needed to ensure the success of the Redevelopment Plan and that the**

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amount of the expenses to be given are minor in comparison to the money required for the overall Redevelopment Plan, and with further direction to staff to include \$7,500 in future annual Redevelopment budgets for the July 4th Fireworks display at Mills Park, and reduce planned special event funding each year commensurately. Member Barrette seconded the motion. Following discussion, Vice Chairperson Bagwell amended her motion to indicate that the planned special event funding would not be commensurately reduced each year. Member Barrette continued his second. Mr. Plemel advised that staff would “try to keep the special event funding on schedule as long as the budget allows it” for next year. Chairperson Abowd called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Vice Chair Lori Bagwell
SECOND:	Member John Barrette
AYES:	Vice Chair Bagwell, Members Barrette, Bonkowski, Crowell, Chair Abowd
NAYS:	None
ABSENT:	None
ABSTAIN:	None

20(B) POSSIBLE ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING THE EXPENDITURE OF UP TO \$5,000 FROM THE FY 2018 REDEVELOPMENT REVOLVING FUND, SPECIAL EVENT ACCOUNT, FOR THE PURCHASE OF REPLACEMENT OVERHEAD STRING LIGHTS FOR McFADDEN PLAZA (11:48:11) - Chairperson Abowd introduced this item, and Community Development Director Lee Plemel presented the agenda materials. Chairperson Abowd entertained Redevelopment Authority member questions or comments and public comments. (11:49:40) Carson City Chamber of Commerce Executive Director Ronni Hannaman expressed support for the expenditure.

Chairperson Abowd entertained additional public comment and, when none was forthcoming, a motion. **Member Bonkowski moved to approve and recommend that the Board of Supervisors authorize the expenditure of up to \$5,000 from the FY 2018 Redevelopment Revolving Fund, Special Event account, for the purchase of replacement overhead string lights for McFadden Plaza, as an expense incidental to carrying out of the Redevelopment Plan that has been adopted by the Carson City Board of Supervisors, and based upon the findings that there is a causal connection between this redevelopment effort and the need for the expenses; the expenses are needed to ensure the success of the Redevelopment Plan, and that the amount of the expenses to be given are minor in comparison to the money required for the overall redevelopment plan. Vice Chairperson Bagwell seconded the motion.** Chairperson Abowd called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Member Brad Bonkowski
SECOND:	Vice Chair Lori Bagwell
AYES:	Member Bonkowski, Vice Chair Bagwell, Members Barrette, Crowell, Chair Abowd
NAYS:	None
ABSENT:	None
ABSTAIN:	None

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21. PUBLIC COMMENT (11:51:15) - Chairperson Abowd entertained public comment; however, none was forthcoming.

22. ACTION TO ADJOURN REDEVELOPMENT AUTHORITY (11:51:19) - Chairperson Abowd adjourned the Redevelopment Authority meeting at 11:51 a.m., and passed the gavel to Mayor Crowell

23. RECONVENE BOARD OF SUPERVISORS MEETING (11:51:27) - Mayor Crowell reconvened the Board of Supervisors meeting at 11:51 a.m.

24. COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

24(A) POSSIBLE ACTION TO ADOPT A RESOLUTION AUTHORIZING THE EXPENDITURE OF \$14,000 FROM THE FISCAL YEAR 2019 REVOLVING FUND OF THE REDEVELOPMENT AUTHORITY TO SUPPORT VARIOUS SPECIAL EVENTS IN SUPPORT OF THE REDEVELOPMENT DISTRICT AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN (11:51:30) - Mayor Crowell introduced this item as corollary to item 20(A) and incorporated, by reference, all prior testimony. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to adopt Resolution No. 2018-R-11, authorizing the expenditure of \$14,000, from the Fiscal Year 2019 Revolving Fund of the Redevelopment Authority, to support various special events in support of the Redevelopment District as an expense incidental to the carrying out of the Redevelopment Plan. Supervisor Abowd seconded the motion.** Mayor Crowell called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

24(B) POSSIBLE ACTION TO ADOPT A RESOLUTION AUTHORIZING THE EXPENDITURE OF \$5,000 FROM THE FISCAL YEAR 2018 REDEVELOPMENT REVOLVING FUND, SPECIAL EVENT ACCOUNT, FOR THE PURCHASE OF REPLACEMENT OVERHEAD STRING LIGHTS FOR McFADDEN PLAZA AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN (11:52:43) - Mayor Crowell introduced this item as corollary to item 20(B) and incorporated, by reference, all prior testimony. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to adopt Resolution No. 2018-R-12 authorizing the expenditure of \$5,000 from the FY 2018 Redevelopment Revolving Fund, Special Event account, for the purchase of replacement overhead string lights for McFadden Plaza, as an expense incidental to the carrying out of the Redevelopment Plan. Supervisor Barrette seconded the motion.** Mayor Crowell called for a vote on the pending motion.

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RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor John Barrette
AYES:	Supervisors Bonkowski, Barrette, Abowd, Bagwell, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

24(C) POSSIBLE ACTION TO APPROVE A REQUEST FOR AN HISTORICAL TAX DEFERMENT, ON PROPERTY LOCATED WITHIN THE HISTORIC DISTRICT AT 604 WEST ROBINSON STREET, APN 003-275-03 (11:53:38) - Mayor Crowell introduced this item. Planning Manager Hope Sullivan presented the agenda materials and responded to questions of clarification. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to approve a request for an historical tax deferment, on property located within the Historic District, at 604 West Robinson Street, APN 003-275-03. Supervisor Bagwell seconded the motion.** Mayor Crowell called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

24(D) POSSIBLE ACTION TO APPROVE A REQUEST FOR AN HISTORICAL TAX DEFERMENT, ON PROPERTY LOCATED WITHIN THE HISTORIC DISTRICT AT 707 WEST ROBINSON STREET, APN 003-242-04 (11:56:22) - Mayor Crowell introduced this item, and Planning Manager Hope Sullivan presented the agenda materials. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to approve a request for an historical tax deferment, on property located within the Historic District at 707 West Robinson Street, APN 003-242-04. Supervisor Bagwell seconded the motion.** Mayor Crowell called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

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24(E) POSSIBLE ACTION TO APPROVE A REQUEST FOR AN HISTORICAL TAX DEFERMENT, ON PROPERTY LOCATED WITHIN THE HISTORIC DISTRICT, AT 406 NORTH NEVADA STREET, APN 003-226-03 (11:57:26) - Mayor Crowell introduced this item, and Planning Manager Hope Sullivan presented the agenda materials. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bagwell moved to approve a request for an historical tax deferment, on property located within the Historic District, at 406 North Nevada Street, APN 003-226-03. Supervisor Barrette seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Lori Bagwell
SECOND:	Supervisor John Barrette
AYES:	Supervisors Bagwell, Barrette, Abowd, Bonkowski, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

24(F) POSSIBLE ACTION TO APPROVE A REQUEST FOR AN HISTORICAL TAX DEFERMENT, ON PROPERTY LOCATED WITHIN THE HISTORIC DISTRICT AT 302 THOMPSON STREET, APN 003-133-31 (11:58:45) - Mayor Crowell introduced this item, and Planning Manager Hope Sullivan presented the agenda materials. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to approve a request for an historical tax deferment, on property located within the Historic District, at 302 Thompson Street, APN 003-133-31. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, Bagwell, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

24(G) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 107, AN ORDINANCE RELATED TO IMPROVEMENT DISTRICTS, ESTABLISHING PROVISIONS TO LEVY THE DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT ASSESSMENT FOR FISCAL YEAR 2019 FOR THE MAINTENANCE OF THE DOWNTOWN STREETScape ENHANCEMENT PROJECT (11:59:37) - Mayor Crowell introduced this item. In response to a question, Mr. Plemel advised of no changes or comments since introduction of the bill, on first reading. He advised of a Downtown Neighborhood Improvement District Board meeting scheduled for 4:00 p.m. on Thursday, June 14th. He is working with the board chair to provide notice to the business and property owners. Supervisor Barrette related details of a conversation with the maintenance contractor, and requested Mr. Plemel to look into “widening the footprint out.”

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Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to adopt, on second reading, Bill No. 107, Ordinance No. 2018-6, an ordinance related to improvement districts, establishing provisions to levy the Downtown Neighborhood Improvement District assessment for FY 2019 for the maintenance of the Downtown Streetscape Enhancement Project. Supervisor Bonkowski seconded the motion.** Mayor Crowell called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Brad Bonkowski
AYES:	Supervisors Abowd, Bonkowski, Bagwell, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

24(H) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 108, AN ORDINANCE RELATING TO MARIJUANA; AMENDING TITLE 18, ZONING, APPENDIX D, DEVELOPMENT STANDARDS, DIVISION 1.20, MEDICAL MARIJUANA ESTABLISHMENTS AND MARIJUANA ESTABLISHMENTS, OF THE CARSON CITY MUNICIPAL CODE, TO AMEND AND CLARIFY REGULATIONS GOVERNING SIGNAGE FOR MEDICAL MARIJUANA ESTABLISHMENTS AND MARIJUANA ESTABLISHMENTS (12:03:09) - Mayor Crowell introduced this item, and read into the record a prepared disclosure statement. Mayor Crowell advised of no disqualifying conflict of interest and that he would participate in discussion and action. Supervisor Bonkowski read into the record a prepared disclosure statement, advising of no disqualifying conflict of interest and that he would participate in discussion and action. Mayor Crowell entertained additional disclosures. In response to a question, Mr. Plemel advised of no changes and no additional comments since introduction of the bill, on first reading.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to adopt, on second reading, Bill No. 108, Ordinance No. 2018-7, an ordinance relating to marijuana; amending Title 18, Zoning, Appendix A, Development Standards, Division 1.20, Medical Marijuana Establishments and Marijuana Establishments, of the Carson City Municipal Code, to amend and clarify regulations governing signage for medical marijuana establishments and marijuana establishments. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

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**25. BOARD OF SUPERVISORS NON-ACTION ITEMS:
FUTURE AGENDA ITEMS**

STATUS REVIEW OF PROJECTS

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (12:05:55) - Supervisor Abowd announced that tickets for The Greenhouse Project fundraiser, Concert Under the Stars, are only available online. She encouraged everyone to “support a cause that supports our community.” Supervisor Bagwell announced the Navy Week celebration, on June 18th at the Silver Saddle Ranch from 5:30 to 7:30 p.m. Mayor Crowell announced that the Navy Leap Frogs will parachute into Mills Park on Wednesday at noon. He further announced the Airport Open House event scheduled for Saturday, June 23rd.

STAFF COMMENTS AND STATUS REPORTS

RECESS AND RECONVENE BOARD OF SUPERVISORS MEETING (12:07:48; 1:30:54) - Mayor Crowell recessed the meeting at 12:07 p.m., and reconvened at 1:30 p.m.

26. COMMUNITY DEVELOPMENT - POSSIBLE ACTION TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION’S AFFIRMATION OF THE STAFF’S INTERPRETATION AND APPLICATION OF SECTION 1.3 OF THE DEVELOPMENT STANDARDS CONCERNING FENCING, AND THE STAFF’S INTERPRETATION AND APPLICATION OF CARSON CITY MUNICIPAL CODE 18.05.055, REGARDING ACCESSORY STRUCTURES RELATIVE TO A NOTICE OF VIOLATION AND ORDER TO COMPLY, AND RELATIVE TO IMPROVEMENTS MADE AT 3809 PONDEROSA DRIVE, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE, APN 009-137-07 (1:30:56) - Mayor Crowell introduced this item, and provided direction as to the format of the hearing. Planning Manager Hope Sullivan presented the agenda materials in conjunction with displayed slides.

(1:42:03) Mayor Crowell welcomed Appellant Peter Gibbons to the meeting table. Mr. Gibbons introduced himself for the record, and requested the Board to overturn “a very bad decision of the Planning Commission.” He expressed the belief that “a careful review of the documents would convince any rational person that the City is incorrect on literally everything it’s done in this case, and that the City has been misapplying the design standards contained in Title 18, Appendix, since it was adopted.” Mr. Gibbons provided background information on the subject property, and presented a prepared statement of the appeal. He responded to questions of clarification, and discussion followed.

In reference to the Development Standards, Community Development Director Lee Plemel expressed agreement that architectural design does not apply to single-family residences. “After the general statement which ... does not say single-family in there ..., it also says ... that they are intended to inspire development of lasting quality designs that enhance the overall community. So I think there’s an argument of artful terms ... in that. But, in terms of section, there’s a general section and ... Section 1.0 and 1.1 don’t set up the rest. Section 1.0 is a general statement. Section 1.1 starts one of many sections that have specific

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standards and specific applicability. As [Ms. Sullivan] ..., on page 2 of the staff report, ... notes there are many sections in there that each have their own applicability ... so to take the position that, because of what [Section] 1.0 says, none of the Development Standards apply means that there are no standards for guest buildings, child care, bed and breakfast standards, satellite dishes, wireless telecommunication facilities, ... personal storage, metal storage containers, fences, cornices, projections into setbacks, which we use all the time for residential setbacks, manufactured home installation, and single-family zoning districts, and youth recreation facility performance standards in Single-Family 6,000. And in terms of the intent of the original Code writers, ... this version of the Code was written in about 2002. It was after I came on. My predecessors were the ones that were doing this at the time.

“As it relates specifically to the fence standards and storage container standards, I know there was no intent verbally from those people to make any changes with that 2002 update. And with regard to the fencing standards, I’ve gone back as far as 1986 and the words related to the standards for the fences are significantly exactly the same as they are now, again, with no intent to change that in 2002. And then, all of a sudden, they remove all fence standards from single-family residential.

“And with regard to storage containers, ... a previous research project going back in the history of the Code, it was in 1987 that there was an ordinance change that added all these types of containers prohibition in single-family residences. And it’s been since then, through my predecessor’s entire term here enforcing no metal storage containers in single-family residential districts.”

In reference to the Appellant’s statements regarding fencing, Ms. Sullivan stated, “Carson City is unusual. In most communities, you have a maximum fence size and that’s kind of it. But in Carson City, they say you can exceed the fence size with a special use permit. We’re not looking at a variance. The findings for a variance are a far higher bar than the findings for a special use permit. The findings for the special use permit will speak very specifically to health, safety and morals.” Ms. Sullivan explained the Planning Commission’s purview over the seven findings of fact relative to a special use permit for fencing. She expressed the opinion that the fence regulations do speak to health, safety and morals “but it’s for the Planning Commission to make those findings, not for the staff.”

In reference to the Appellant’s statement “that the staff confirmed there had been no enforcement on the materials that were submitted at the beginning of the Planning Commission meeting,” Ms. Sullivan stated, “that’s actually not true. I’m on the record ... that I did not review those documents. I put that on the record very specifically. ... Staff had no idea where those properties were. Granted we were given a map but, as soon as the meeting starts, we’re working. We’re presenting, non-stop, other items. So I did not indicate there had been no enforcement. I have no knowledge of that and I went on record that I had not reviewed those documents.

“In terms of selective enforcement and discussion about the complainant, I have no idea who this complainant is or where they live. This is the first I’ve ever heard that the complainant is even associated with an employee of the City. I don’t know who they are. So every interpretation I’m providing today has nothing to do with people. It’s about interpreting the Code.”

In reference to her February 5, 2018 letter which was included in the agenda materials, Ms. Sullivan noted that she clearly stated that Section 18.05.055 “would apply. ... I never say you’re in violation.” She read

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a portion of the letter into the record. She emphasized never having “opined on whether or not there was compliance or a violation. I don’t know what’s there. I’m looking at the same aerial you are.”

Ms. Sullivan discussed the differences between administrative versus discretionary permits. “When we talk about zoning, we talk about two things: how is the land used and dimensional criteria. And when we talk about how is the land used, we have three choices. Yes, you’re allowed to do it. That means that’s administrative. Can I build a house in a residential zoning district? Yes, you can. You have to meet all that dimensional stuff but you can do it so get a building permit. Then we have no’s. Can I build a factory in a residential zoning district? No, you can’t. There’s nothing to really talk about. And then there’s the maybe’s which are conditional uses or special uses. So, when we say that something’s allowed per zoning, that means we got to a yes. Go get a building permit. You get to have a house in your residential zoning district. That doesn’t mean you build it without a building permit. It doesn’t mean Building Code doesn’t apply. You’re allowed to do it but you still need to get the building permit. It means it’s going to be an administrative permit versus a discretionary permit.”

Mr. Yu commended staff on “capturing all the arguments and ... rebuttals with their comments.” He expressed appreciation for Mr. Gibbons’ legal challenges. With regard to the “issue of collusion,” Mr. Yu emphasized “absolutely no evidence of collusion here. As [Ms. Sullivan] had explained, no one in Planning had any idea who the complainant was and had no idea until just now or perhaps recently before today that this person was a City employee. They’re not acquainted. They’re certainly not friends and there’s no evidence of collusion. And I don’t know if Mr. Gibbons is actually asserting that claim but, by implication when he alludes to it, I thought it was my obligation to make that clear, on the record, that I think that that claim, if it is indeed a claim, is completely unsupported by the evidence. There’s no record of that.

“The next thing I want to get to is this issue of applicability. ... we’ve spoken about that at length today. When I read that statement in the Development Standards, it’s clear to me that that’s a statement of purpose or policy. There’s nothing in there that limits jurisdictional scope, as the Appellant would otherwise contend. When you read the plain language of that, yes, I also agree that perhaps it’s written in an inartful way. ... But, in terms of a constitutional challenge, I think that he’s asserted vagueness and that’s a constitutional doctrine. And what vagueness means is that ... when you read a law or an ordinance and it is written in such a manner that a person of ordinary intelligence, by reading it, cannot figure out and is left guessing as to the act that’s either required by the law or the act that is prohibited by the law, that would result in a procedure where those who are charged with enforcing the law will come up with different, non-uniform application which means arbitrary and capricious action of the local government. We don’t have that here.

“As we all know, when it comes to ordinances and statutes, the Nevada Supreme Court has said over and over again, there’s always going to be a presumption of constitutionality and so the burden is on the Appellant to show that ... no person of average or ordinary intelligence could ever read the ordinance in any manner under any circumstance in a way that could be possibly applied to uniformity. I don’t think that he’s said anything on the record today or previously at the Planning Commission that would ... give any merit to this claim. ... Although that’s my interpretation and reading of that statement in the Appendix, with respect to Development Standards, even if ... this body were to agree with that contention that, in fact, this is a statement of applicability, we’ve heard the term ‘absurd result.’ And I absolutely agree with that. That is one of the rules or canons of statutory construction. We have to read statutes and laws in such a manner as to avoid an absurd result. We have to read everything harmoniously in context and together, in

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such as way that it's applied reasonably. As [Ms. Sullivan] and [Mr. Plemel] also pointed out earlier, if you were to read that in such a manner that it does not apply to single-family parcels, then all those other criteria and conditions, with respect to guest homes, child care facilities, ... are out the window. None of those would apply. That, in my mind, is clearly an absurd result. ...

"With respect to containers, there was an assertion earlier on ... with respect to ... staff seems to be toggling back and forth and can't make up their mind with respect to what citation to refer to. And I'd like to point out, for the record, that ... when you have an individual who's a property owner and has a container, you're put on notice that there's a provision in Code that says you cannot have containers or 'similar enclosures' on your parcel because it is outright prohibited. But then staff later finds out ... what you've done here ... you've enclosed it in such a manner that perhaps it looks like an accessory structure. Well, now all of a sudden that triggers the applicability of yet another CCMC provision. And that's why, subsequent to staff becoming aware of that enclosure that was erected around these containers, ... subsequent notice went out to tell the Appellant ... perhaps there's yet another Code provision that applies. We're not sure, based on the square footage requirements whether or not you have violated that Code provision but ... as [Ms. Sullivan] had pointed out earlier on the record, that's why we want to get specific additional information with respect to the square footage.

"I will point out that, in Mr. Gibbons' letter that he submitted with respect to this appeal today, he concedes ... that each container is approximately 320 square feet ... 310. Well that, in and of itself, ... by looking at the applicable Code provisions would already make it so that you have to get a building permit ... because that limitation is 120 square feet. So anything that exceeds that, as an accessory structure on your parcel, you would absolutely have to get a building permit. That was also stated on the record earlier. Just because you have a 'permitted use' does not mean you can circumvent the other applicable conditions that run with that permitted use."

In response to a question, Ms. Sullivan referred to Section 18.05.055. "There are two provisions I want to highlight in those and those are the provisions I highlighted in the February letter. One provision says that if ... the cumulative total of the accessory structures is more than 50 percent of the size of the primary residence, it's subject to administrative hearing. And if the cumulative total of the accessory structures is ... 75 percent or more of the primary residence, it's subject to a special use permit. So that's one provision that I flagged. And the second provision that I flagged in the letter is, if you have a lot that's more than 21,000 square feet, if the cumulative total of your accessory structures covers more than five percent of the lot size, then it's subject to a special use permit." Ms. Sullivan responded to additional questions of clarification. She acknowledged that no building permits have been applied for or granted.

In response to a further question, Ms. Sullivan explained that the fence "taken in its totality ... [exceeds] four feet." She displayed Development Standard 1.13.5.A "which says no fences, walls, hedges exceeding four feet in height shall be permitted in a front yard setback ... What we're looking at is a wall with a fence mounted to it which is 5.5 feet, taking the measurement from an extension of the road, which exceeds four feet so I don't believe the staff has the authority to allow that."

With regard to the allegation of selective enforcement, Mr. Yu stated, "He can't show that there's any selective enforcement or that there's a violation of his equal protection rights and the reason why is because ... he's not a protected class as a property owner. That already makes the bar for scrutiny really low but what's really defective to his argument is that he cannot show on the record that he is the only person that

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staff is applying these ordinances to. And, in fact, as [Ms. Sullivan's] memorandum already points out, when his counsel of record went to Planning Commission and made everyone aware, at that meeting date, here are some aerial photos, residential photos of other potential violations, what did staff do immediately? They turned around, after the meeting, and they followed up on it and several of those potential violations are currently under investigation. And those which were found to be noncompliant were given over to Code Enforcement for additional follow up. So already there's absolutely no merit to the claim that his equal protection rights have been violated.

"Finally, general welfare, safety, morals with respect to ordinances. Yes, I absolutely agree and I read that case as well. There has to be some sort of a substantial relationship between ordinances and the promotion of those criteria. That case that he cited to just to make that perfectly clear for the record actually dealt with a developer that had the onus, based on an ordinance provision, that said in order for you to come before this body to ask for an SUP, you need to show us, as the approving body, that the use you're seeking special permission for promotes the general welfare and the safety, morals of the community. What the court found, under that circumstance, was that ... burden that was imposed by the ordinance was completely constitutional. So that case doesn't quite fit in here with the circumstances of this appeal matter. However, I do agree with the statement that ... there has to be some sort of substantial ... nexus. What the Appellant fails to do here, however, ... is he has not shown any case ... that simply says within the inherent police powers of local government you are not allowed to place restrictions, with respect to zoning ordinances or land use ordinances, regarding height limitations, size limitations, material limitations when it comes to structures. And, in fact, as he cited to from that same case ... inherent within that police power is the ability and authority for local governments to restrict land use items and also to promote ... conditions relating to the soundness of structures and the location of structures as well."

In response to a question, Ms. Sullivan explained the outcome of a special use permit application relative to a fence.

Mayor Crowell offered Mr. Gibbons the opportunity to rebut. Mr. Gibbons stated, "With all due respect to Mr. Yu, in speaking about the Appendix, the Development Standards, he saying that this interpretation was applied; that all of those sections relating to daycare and bed and breakfast and so forth, would not apply. I don't see that in that those are both commercial activities. Now maybe the structure that was originally built was not intended originally to be commercial but, certainly, once the character changes, if there's going to be modifications to it, I could see where it would apply.

"But the problem that I have with all of this is that in reading Section 1.0 and 1.1, it's talking about these design standards. It doesn't make any limitation to ... just this first section and ... other sections might be different. It's talking about the Appendix. And so I believe that the people have a right to read something like that and take it as it's written. So that's our position with respect to that.

"With respect to 18.05.055, you'll notice within that section of Code ..., there are at least two specific ... exceptions for other kinds of properties. SF1A is among those. And, again, when I read that, I don't feel that that section is particularly well drafted ... But then in the final portion, it refers to Section 18.05.050 and then we also have 18.04.055. Now the reason we never applied for a permit is because 18.04.055 says the accessory permitted uses so we interpreted that to mean that we're allowed to put up an accessory structure and, quite frankly, part of that was maybe ill informed by neighbors because we originally learned of that section from the neighbors who have built accessory structures. And, again, with no problems. So

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to the extent that it's not permitted unless we get a permit, we can deal with that. But I believe we are within our rights to read 18.04.055 and say it's permitted that we do this.”

In response to a question, Mr. Gibbons expressed the opinion that a building permit should not be required for the two converted cargo containers “because they’re not buildings. A building is defined and these do not meet that definition. ... They have a façade on them but nothing touches the ground. The façade is hanging on ... is attached to the cargo containers. So they are still just structures but they aren’t buildings under the Code. So I don’t believe that they would need a building permit. Also, I was unaware that we would need a building permit for any kind of accessory structure as long as we didn’t exceed the limits in the exceptions set forth for SF1A properties. We can go back and review that. It was unclear to me, until now, that that’s actually the City’s position.

“... our modification of the containers into accessory structures, that was always intended when we put them in. We never wanted to have cargo containers sitting there forever. But we didn’t realize that containers weren’t allowed because we’ve had a container there for so long with no problems and there was containers all over the neighborhood. So we ... were going to wait ‘til spring to do that but then when we got the notice we thought ... we better go ahead and put these façades on so that we can claim them as accessory structures which is what they are and were intended to be. ... it was a bit hasty but it was always intended that we would put those façades on.

“... 18.04.055 says that that was permitted. Section 1.0 and 1.1 of the Design Standards does not express any limitation as to being only applicable to part of the Appendix and I believe that we were justified in relying on that.”

Mayor Crowell entertained Board member discussion. Mr. Gibbons responded to a question of clarification. In response to a question, Chief Building Official Ray Proffitt advised that the façade not touching the ground does not affect the building permit. “It’s just cladding on a structure that changes the appearance of the structure but it does not change the fact that it is an accessory structure requiring a permit.” Discussion followed.

In response to a question, Mr. Proffitt advised that the cement slabs beneath the cargo containers would not need permits unless they were intended to support structures and then they would have to be permitted with the structure to be able to withstand ... the loads that are imposed on those slabs, including wind, seismic, and snow loads. In this instance, snow load being 30 pounds per square foot over the roof area, wind load being ... 120 mph. But the Code also stipulates that structures can be constructed to a prescriptive standard if they meet standard wood frame construction. These structures do not meet standard wood frame construction and would have to be engineered to be able to withstand and show that they can withstand those design loads.

In response to a question, Mr. Gibbons advised that the barn is approximately ... 900 square feet. The square footage of the primary residence is approximately 2,350. Supervisor Bonkowski advised that the barn would be included in the square footage of the accessory structures and so you’re going to have to add that along with the three ... accessory structures to meet the five percent and the 50 percent criteria. Supervisor Bonkowski concluded that a building permit will be required for the accessory structures which means that the City would inspect them and the property owner advised of what would be necessary to bring them into compliance with the applicable Codes. In response to a question, Mr. Gibbons advised that

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he would apply for a special use permit for the fence; however, he expressed a concern “that Planning staff indicated that they would oppose it.” In response to a question, Ms. Sullivan advised she would support a special use permit application for the fence. Discussion followed. In response to a question, Mr. Woodbury reiterated the requirement for the findings relative to the fence, and advised that the Board does not have the authority to approve the fence.

In response to a question, Mr. Gibbons stated that the “neighbors to the south have been inexplicably hostile since the day we moved in. And they have complained about all kinds of things. So when that conversation ensued, on August 16, 2016, sight distance came up and I presumed ... it does not have any impact on their visibility. In fact, they have trees planted right at that corner that obscure visibility much more so than the fence and the fence does have wrought iron panels that go back 13 feet along the sides which then put it in compliance with any sight distance requirements. But it never could have impaired their view, as they exited. ... And I am not directly accusing staff of colluding with the complainants. I’m merely pointing out that the set of facts gives rise to that inference. And we don’t know if it’s true or not but it does seem coincidental that all of these problems came up during the pendency of this lawsuit over the easement.” Mr. Gibbons responded to questions of clarification, and discussion followed.

Supervisor Abowd commended Mr. Gibbons’ fence design, and suggested expanding the verbiage within the Code “to be a little bit more broad and creative.” Mayor Crowell summarized the Board’s position, as follows: “... the storage container is now a potential accessory use ... because it’s had the siding put on it ... and it’s also on a slab, for which a building permit is required and which may require a special use permit. But a building permit is definitely required. And on the fence, I think we all agree that ... it’s a good looking fence and ... I ... would not like to see it taken down or moved but I do think that our Code requires a special use permit ...” Supervisor Barrette expressed agreement with Mayor Crowell’s summary and “empathize[d] with not wanting ... to spend \$2,400 to get a special use permit but that’s just the way it is for everybody ...”

Discussion took place regarding the appropriate action. Mayor Crowell suggested the following motion: We find that the storage container, on this parcel, is potentially an accessory use for which a building permit is required and which, upon analysis, may also require a special use permit; and that we also believe that the fence may well meet the requirements today of a special use permit. Extensive discussion followed. **Mayor Crowell moved to deny the appeal and uphold the decision of the Planning Commission to affirm the staff’s interpretation and application of Section 1.13 of the Development Standards concerning fencing, and the staff’s interpretation and application of Carson City Municipal Code 18.05.055 regarding accessory structures relative to improvements to property located at 3809 Ponderosa Drive, recognizing the accessory structures will require obtaining a building permit consistent with Carson City Municipal Code 15.05.020(105).** Supervisor Bonkowski seconded the motion. Mayor Crowell entertained discussion on the motion. In response to a comment, Mr. Gibbons reiterated his objection to the wording of Sections 1.0 and 1.1 of the Development Standards. Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion.

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RESULT:	Approved [5 - 0]
MOVER:	Mayor Robert Crowell
SECOND:	Supervisor Brad Bonkowski
AYES:	Mayor Crowell, Supervisors Bonkowski, Abowd, Bagwell, Barrette
NAYS:	None
ABSENT:	None
ABSTAIN:	None

27. PUBLIC COMMENT (3:21:20) - Mayor Crowell entertained public comment; however, none was forthcoming.

28. ACTION TO ADJOURN (3:22:43) - Mayor Crowell adjourned the meeting at 3:22 p.m.

The Minutes of the June 7, 2018 Carson City Board of Supervisors meeting are so approved this _____ day of July, 2018.

ROBERT L. CROWELL, Mayor

ATTEST:

SUSAN MERRIWETHER, Clerk - Recorder