

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

OCTOBER 12, 2004

PRESENT:

Jim Shaw, Chairman
Bonnie Weber, Vice Chairman
Jim Galloway, Commissioner*
David Humke, Commissioner
Pete Sferrazza, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

04-1026 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Galloway absent, Chairman Shaw ordered that the agenda for the October 12, 2004 meeting be approved with the following changes: **Delete** Item 6J, Resolution grant of public money to the Nevada Land Conservancy, and Item 7, Sierra Forest Fire Protection District.

04-1027 PUBLIC COMMENTS

Lebraska Hargrove, local resident, said he has had a hard time attaining housing and his Veteran's benefits since he moved to Reno. He provided documentation that was placed on file with the Clerk.

Al Hesson, local resident, spoke about the how President Bush has manipulated the public's view of the Iraq war.

Sam Dehne, local resident, said he missed the last two meetings because of being in Federal Court.

Gary Schmidt, local resident, commented on some items in the Andrew Lane fire report that caused him grave concern and should be impetus for further review.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Weber said she believed the Board had requested an Andrew Lane fire workshop that would also involve community participation. Katy Singlaub, County Manager, replied that was the purpose of the neighborhood meeting and last week's agenda item. After discussion, Ms. Singlaub said she would forward the Board's request for another workshop on the Andrew Lane fire to the acting Fire Chief and the Sheriff's Office.

Commissioner Humke said he had received a letter from Jerome Wright who lost his Toll Road area home in the Andrew Lane fire. He said Mr. Wright's version of what happened was consistent with Mr. Schmidt's comments.

2:26 p.m. Commissioner Galloway arrived at the meeting.

In response to Commissioner Humke, Ms. Singlaub said the District Attorney's Office advised the Board of County Commissioners does not have a role in selecting or supervising the Fire Chief per the Interlocal Agreement and the City of Reno Civil Service system. She commented the Reno City Manager is the appointing authority for the Fire Chief. Ms. Singlaub said she and the Reno City Manager are exploring ways for the Board to have a role in selecting the new Fire Chief. She stated this was a problem with the Agreement not being a joint powers authority. Commissioner Galloway stated this was why he did not vote for the Agreement. Commissioner Sferrazza said this situation was not unusual because the County Manager hires for many positions. He said the County only has a contract with the City of Reno to provide service, and the City is responsible for negotiating employee packages.

Commissioner Weber commented about President Bush coming to Reno for a gathering at Rancho San Rafael Regional Park on Thursday. Ms. Singlaub said details are constantly changing, and no one yet knows what time he is speaking.

Chairman Shaw said this meeting was being broadcast live to the National Parks and Recreation Association Conference being held at the Reno Sparks Convention and Visitors Authority, and he welcomed those watching to the Truckee Meadows.

Ms. Singlaub said Tom Gadd would be acting County Manager and John Slaughter would be helping out during the Board meeting next week because of the International City/County Management Association Conference. She said a childcare center located at the airport was being closed with 24-hours notice. Ms. Singlaub said, if any family needed relocation assistance, they should call Social Services about vacancies in other centers.

Commissioner Galloway requested a meeting with the County Manager regarding speeding in his district.

04-1028 MINUTES

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meetings of July 27, and August 10, 2004 be approved.

04-1029 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 58 sexual assault victims in an amount totaling \$17,156.03 as set forth in a memorandum from Kim Schweickert, Program Assistant, District Attorney's Office, dated September 29, 2004 and placed on file with the Clerk.

04-1030 UPDATE ON HISTORIC PRESERVATION GRANT

Upon recommendation of Eva Krause, Planner, through Adrian Freund, Community Development Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Historic Preservation Grant update be accepted.

04-1031 FEDERAL ADOPTION INCENTIVE FUNDS - STATE DIVISION OF CHILD AND FAMILY SERVICES - ADOPTION PROGRAM - SOCIAL SERVICES

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Director of Social Services be authorized to accept Federal Adoption Incentive Funds in the amount of \$5,000 from the State Division of Child and Family Services to assist in the Adoption Program. It was further ordered that the Finance Department be authorized to make the following budget adjustments:

Account Cost Center Grouping 280910	Increase Amount
Revenue: 10446-431100 Adoption Incentive Grant	\$5,000
Expenditure: 10446-710563 Adoption Incentive Grant	\$5,000

04-1032 GRANT AGREEMENT AND RESOLUTION - INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT FISCAL YEAR 2004/05 - GRANTS ADMINISTRATOR

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Grant Agreement between Washoe County and the Incline Village General Improvement District in the amount of \$22,177 for

Fiscal Year 2004/05, concerning support of gatherings that offer social, recreational and educational opportunities for senior citizens residing in the District, be approved. It was further ordered that Chairman Shaw be authorized to execute the following Resolution:

RESOLUTION: Authorizing grant of funds to the Incline Village General Improvement District

WHEREAS, pursuant to NRS 244.1505, Washoe County may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county; and

WHEREAS, Washoe County desires to provide money to Incline Village General Improvement District to make available meeting rooms to the Incliners, a senior citizens' group, for the senior activities at Incline Village 24 times throughout the 2004-2005 fiscal year; and to support senior specific programs at the Incline Village Recreation Center such as the new Senior 55+ Exercise Class and 55+ Lecture Series.

WHEREAS, Washoe County finds that in making these meeting rooms available for seniors to use, and support of new senior specific programs provides substantial benefit to the inhabitants of the county;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, that the Board hereby enters into the attached Grant Agreement to provide funds to Incline Village General Improvement District for the purposes set forth in the attached Grant Agreement.

**04-1033 GRANT PROGRAM CONTRACT AND RESOLUTION - KEEP
TRUCKEE MEADOWS BEAUTIFUL FISCAL YEAR 2004/05 - GRANTS
ADMINISTRATOR**

Upon recommendation of Gabrielle Enfield, Grants Administrator, through Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Grant Program contract between Washoe County and Keep Truckee Meadows Beautiful in the amount of \$8,925 for Fiscal Year 2004/05, concerning supporting education and community involvement related to creating a cleaner more beautiful region, be approved. It was further ordered that Chairman Shaw be authorized to execute the following Resolution:

RESOLUTION - Authorizing the Grant of Public Money to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that \$8,925 in funding is needed to assist in providing services to encourage a clean community; now, therefore, be it

RESOLVED, by the Board of Commissioners of Washoe County that:

1. The Board hereby grants to Keep Truckee Meadows Beautiful, a non-profit organization created for religious, charitable or educational purposes, a grant for fiscal year 2004 - 2005 in the amount of \$8,925 (Community Support).
2. The purpose of the grant is to provide assistance to KTMB with Adopt-A-Spot, Open Space Community Clean-up, and Christmas Tree Recycling in the Incorporated and unincorporated areas of Washoe County, which will provide a substantial benefit to the inhabitants of the county.
3. The maximum amount to be expended from the grant and the conditions and limitations upon the grant are as set forth in the Grant Program Contract, which Contract is attached hereto and incorporated herein by reference.

04-1034 UNBUDGETED CAPITAL OUTLAY - MAYLINE KWIK MOBILE FILE AISLE SHELVING - DOWNTOWN LIBRARY

Upon recommendation of Arnie Maurins, Operations and Support Associate Director, through Nancy Cummings, Library Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the purchase of the Mayline Kwik File Mobile Aisle Shelving System for the lower level of the Downtown Reno Library for a total purchase and installation cost of \$38,226.04 be approved. It was further ordered that Finance be directed to make the following budget adjustments:

Cost Center/Account Number	Amount of Increase/(Decrease)
130120-711504 System Services-Equip <\$10,000	(\$38,230)
130120-781004 System Services-Equip >\$10,000	\$38,230

04-1035 DISINTERMENT OF HUMAN REMAINS - HEALTH

Upon recommendation of Pamela Fine, Health Analyst, through Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the request from Josephine Perez of 4340 Mira Loma Drive, Reno, Nevada 89502, to disinter and remove the remains of Casimiro Paul Perez, her husband, who died on June 23, 1993 be approved.

It was noted that disinterment will be from Our Mother of Sorrows Catholic Cemetery in Reno and reinterment will be at Fort Logan National Cemetery in Denver,

Colorado; that NRS 451.050, Subsection 2, authorizes the Board of County Commissioners to grant permits for such disinterments and removal of human remains; and that the death certificate indicates that the death was not due to a communicable disease.

04-1036 GRANT OF EASEMENT - SIERRA PACIFIC POWER COMPANY - PUBLIC WORKS

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Grant of Easement to Sierra Pacific Power Company for Utility Facilities at the Regional Animal Services Center be approved and Chairman Shaw be authorized to execute the easement documents upon presentation.

04-1037 WATERLINE EXTENSION AGREEMENT - 9208 AND 9034 WESTERN SKIES DRIVE - WATER RESOURCES

Upon recommendation of Mark Johnson, Environmental Engineer II, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the Waterline Extension Agreement for 9208 and 9034 Western Skies Drive be approved, and the Water Resources Director be authorized to record the same.

04-1038 REPORT ON APPEAL - UTILITIES, INC. OF NEVADA - NEVADA PUBLIC UTILITIES COMMISSION - PAYMENT ALLISON, MACKENZIE, RUSSELL, PAVLAKIS, WRIGHT, & FAGAN, LTD. - WATER RESOURCES

Upon recommendation of Steve Bradhurst, Water Resources Director, and John Rhodes, Deputy District Attorney, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the report on the County's intervention in the application by Utilities, Inc. of Nevada before the Nevada Public Utilities Commission and the subsequent appeal be approved. It was further ordered that the additional payment to the law firm of Allison, MacKenzie, Russell, Pavlakis, Wright & Fagan, Ltd. in the amount of \$12,000 be approved. It was also ordered that the Finance Department be directed to make the following budget adjustments:

Account	Amount to Increase/(Decrease)
18900-820000 Contingency	(\$12,000)
5130-710120 Water Resources	\$12,000

04-1039 CORRECTION OF FACTUAL ERRORS - ASSESSOR

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors and the

Order directing the Treasurer to correct the error be approved and Chairman Shaw be authorized to execute the same:

PROPERTY OWNER	PARCEL NUMBER	AMOUNT	ROLL
Charles T. Mazza	003-083-11	[-\$74.57]	2003 Secured
Charles T. Mazza	003-083-11	[-\$140.47]	2004 Secured
Candance & Steven L. Falkenstein	009-301-06	[-\$241.76]	2004 Secured
Peter Test	012-135-15	[-\$347.77]	2004 Secured
M. Jerome Wright	016-762-25	[-\$2,832.87]	2004 Secured
Michael K. DeLauer	017-350-23	[-\$672.79]	2004 Secured
Robert M. and Candice K. Sader Tr	017-350-47	[-\$71.56]	2004 Secured
Mary Bartell	017-360-03	[-\$827.44]	2004 Secured
Charles W. and Debra L. Connally	017-421-02	[-\$1,184.54]	2004 Secured
Brent and Ada Danner	017-421-03	[-\$903.73]	2004 Secured
George W. & Sandra E. Michitsch	019-171-07	[-\$246.45]	2004 Secured
Jacob M. & Anastasia E. Caldwell	023-672-04	[-\$72.93]	2004 Secured
Lolita S. & Fred C. Catoner	027-034-11	[-\$664.61]	2004 Secured
David G. Woolslayer Tr	038-224-02	[-\$170.44]	2004 Secured
Daniel C.B. and Shirley A. Rathbun	050-520-21	[-\$318.08]	2004 Secured
Dwain Heitzenreder et al	051-611-01	[-\$1,502.39]	2003 Secured
Eric & Ruth Russell	078-061-08	[-\$838.53]	2004 Secured
Harold S. Wilson Tr et al	083-440-51	[-\$847.58]	2004 Secured
Barbro C. Gour	085-802-31	[-\$126.97]	2004 Secured
Larry W. Welch	086-260-12	[-\$2,106.53]	2004 Secured
Harri L. & Virginia W. Schmid, Jr.	122-080-28	[-\$53.69]	2002 Secured
Harri L. & Virginia W. Schmid, Jr.	122-080-28	[-\$53.54]	2003 Secured
Harri L. & Virginia W. Schmid, Jr.	122-080-28	[-\$53.40]	2004 Secured
Robert W. Shaw	124-062-15	[-\$219.43]	2003 Secured
Robert W. Shaw	124-062-15	[-\$82.18]	2004 Secured
Naomi A. Sande Ettr	204-231-01	[-\$31.91]	2004 Secured
Thomas J. & Denise L. Grothaus	204-231-02	[-\$31.90]	2004 Secured
Melanio D. & Maria C.S. Rubio, Jr.	204-231-03	[-\$31.90]	2004 Secured
Karen Hoyt et al	518-392-06	[-\$113.91]	2004 Secured
Patrick D. & Teresa L. Foley	538-032-09	[-\$2,218.72]	2004 Secured
Joseph R. & Johnnie L. Scamihorn	556-441-40	[-\$349.66]	2004 Secured

**04-1040 REIMBURSEMENT AGREEMENT - SPANISH SPRINGS VALLEY
WATER PIPELINE - CIMARRON EAST, LLC - WATER RESOURCES**

Upon recommendation of Rick Warner, Senior Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Reimbursement Agreement between Washoe County and Cimarron East, LLC in

the amount of \$398,392, concerning construction of a water pipeline in the Spanish Springs Valley, be approved and Chairman Shaw be authorized to execute the same.

04-1041 LETTER OF INTENT - LIONEL SAWYER COLLINS – SPECIAL LOBBYING SERVICES - MANAGER

In response to Sam Dehne, local resident, Katy Singlaub, County Manager, said signing the Letter of Intent does not in any way obligate the Commissioners; it is direction to the County Manager to negotiate and bring back an agreement to the Board.

Upon recommendation of John Slaughter, Management Services Director, through Ms. Singlaub, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Letter of Intent to engage Lionel Sawyer Collins for special lobbying services be approved and Chairman Shaw be authorized to execute the same. It was further ordered that staff be directed to negotiate terms and return to the County Commission for final agreement approval.

04-1042 AGREEMENT - CARRARA NEVADA - GENERAL LEGISLATIVE SERVICES - MANAGEMENT SERVICES

Katy Singlaub, County Manager, noted the date on the Agreement would be corrected to October 12, 2004 to September 30, 2005 if the Board approves the Agreement.

Commissioner Galloway said the payment is \$10,000 a month during session and \$5,500 for off-session, and he asked why the off-session amount was so high. John Slaughter, Management Services Director, said there is a lot of pre-session or follow-up work and committee meetings. Ms. Singlaub interjected there is also coordination with County staff to manage the implementation of the new laws. Mr. Slaughter said there are typically 800 bills passed each session, and it takes awhile to sift through the impact of the bills.

In response to Chairman Shaw, Ms. Singlaub explained the number of staff is limited that can devote the time required to monitor the Legislative session. She said the contract with Carrara Nevada is to assist the County staff with sitting in on committee meetings, alerting staff to any changes, helping staff testify, and organizing discussions staff may need to have with specific Legislators. Ms. Singlaub said the special legislative lobbying services provided by Lionel Sawyer Collins address very high-level questions that the County retains them to watch for during sessions for crafting critical policies.

In response to Sam Dehne, local resident, Ms. Singlaub said proposals were solicited from four firms with this firm having the lowest cost. She said they have done this service for the County before, and the \$89,000 provides four people to augment County staff.

Upon recommendation of Mr. Slaughter, through Ms. Singlaub, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Agreement between Washoe County and Carrara Nevada, concerning general

legislative services from October 12, 2004 to September 30, 2005 for a total cost of \$89,000 plus pre-approved expenses, be approved and Chairman Shaw be authorized to execute the same.

REPORTS/UPDATES FROM COUNTY COMMISSIONERS

Chairman Shaw stated he had attended the first Nevada Works Board meeting at the new facility in Sparks. He said he met an Incline Village General Improvement District member who thanked the Commissioners and staff for holding the meeting at Incline Village.

Commissioner Sferrazza said he would attend a portion and Chairman Shaw would attend the other portion of the October 20, 2004 Truckee Meadows Water Authority retreat. He said he and Commissioner Weber would be attending the Reno Sparks Convention and Visitors Authority (RSCVA) meeting October 21, 2004 at 9:00 a.m. He said the RSCVA finance meeting is Thursday at 1:00 p.m.

Commissioner Galloway said the Animal Shelter ground breaking is this Thursday at 11:30 a.m.

In response to Sam Dehne, local resident, Ms. Singlaub stated additional money was needed to build the animal shelter; and, as a result, the Humane Society had pledged an additional \$1.25 million.

Gary Schmidt, local resident, suggested one way of raising additional funds for the animal shelter was to place the names of pets on bricks at so much per brick, and he would be happy to donate the first \$100 in his dog's memory.

Commissioner Weber said she, Commissioner Sferrazza, and various Washoe County Departments attended a Sun Valley Group summit at the end of September. She said the attendees brainstormed ideas, outlined what needed to be done, and what had been done. She said she is trying to arrange a community meeting in Gerlach on Saturday, October 23, 2004. Commissioner Weber said the City of Reno had just completed its Clean and Green in the North Valleys, and she would like to see the County keep its open space areas clean. Katy Singlaub, County Manager, said a County-wide public lands and open space cleanup was in the works.

Commissioner Sferrazza said the Steve Winn exhibit at the Nevada Museum of Art was open to students on Saturdays for a \$1.00 admission. He said he also attended the dedication of the Mariposa School to which the County had donated old computers.

3:05 p.m. The Board recessed to a closed attorney/client session.

4:05 p.m. The Board reconvened with all members present.

04-1043 KALLAS VS. WASHOE COUNTY (CV03-04285) – DISTRICT ATTORNEY

Melanie Foster, Legal Counsel, said the Board's decision to deny the abandonment of Navarro Court was reversed by Judge Hardesty who stated the Board's decision was arbitrary and capricious. She said the District Attorney's Office was not making a formal recommendation regarding the appeal.

Commissioner Galloway said he had a problem abandoning the street because it was used by a neighbor with inadequate access from the front of the property. He suggested minimal access for the one property owner could be worked out as part of the appeal process.

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that Legal Counsel be directed to appeal Kallas vs. Washoe County (CV03-04285) with the goal of obtaining a settlement conference with the involved parties.

04-1044 THIERMAN LAWSUIT - DISTRICT ATTORNEY

Melanie Foster, Legal Counsel, said a Notice of Appeal, but no Briefs, had been filed in the Thierman lawsuit. She then discussed the staff report and the Board's options.

Chairman Shaw asked if staff felt this lawsuit could be resolved if it was brought back. Adrian Freund, Community Development Director, said staff believed there were very real distinctions between employees and business visitors. He said if the Board chooses to continue the discussion with Mr. Thierman, conditions could be added that could be monitored. He said, since there would be no precedential appeal, this approach would allow the Development Code to stand.

In response to Commissioner Galloway, Ms. Foster said the briefing schedule had been extended to allow Mr. Thierman to come back to the Board to pursue his original modifications on his license if that is the option the Board chooses.

After some discussion about continuing the item so further negotiations could be conducted, Ms. Foster requested the Board provide guidelines for a counter proposal because Mr. Thierman had said he would dismiss if his original request to modify his business license was granted. She said his request was for three employee vehicles and up to three visitor vehicles.

Commissioner Sferrazza stated neighborhood representatives should participate in any discussions because the neighbors are the ones affected. Commissioner Humke suggested the attorneys who initially represented the neighborhood be invited to the discussion. He also suggested the Board negotiate using two employee vehicles and up to two visitor vehicles as a starting point.

Chairman Shaw asked how many vehicles were currently parked at the location, and Commissioner Humke said the Court had granted Mr. Thierman a stay of the Board's action.

Mr. Freund said he did not know, but he would get that information to the Board as soon as possible.

Commissioner Galloway moved that staff make arrangements for Mr. Thierman and staff to appear before the Board to make presentations on whether the Board should allow modification of Mr. Thierman's business license, thus resolving the lawsuit. Commissioner Weber seconded the motion; but following discussion, the motion was withdrawn.

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that staff attempt to arrange a meeting to discuss Mr. Thierman's business license with staff, neighborhood representatives, and Mr. Thierman. It was further ordered that up to two employee vehicles and two visitor vehicles, for a total of four vehicles, be used as a starting point in the discussion. It was also ordered that the appeal be continued if Mr. Thierman does not wish to negotiate or no agreement is reached.

04-1045 2002 REGIONAL PLAN SETTLEMENTS

Melanie Foster, Legal Counsel, said the City of Sparks had adopted the language on the cooperative planning criteria that the Board reviewed at the last meeting, and there is nothing to submit to the Judge on that issue as to the City of Sparks. It is therefore staff's recommendation that the Board authorize the District Attorney's Office to execute the Stipulation and Order for Dismissal of Case.

Commissioner Galloway stated he had a concern regarding the Sun Valley General Improvement District (GID) and the language change, and he contacted a representative of the GID and learned they had adopted the same language as the Board of County Commissioners. He was also informed that their Legal Counsel had not dismissed their case, but had no objection to the County's action. Commissioner Galloway said this was not a dismissal of the case but a stipulation as to the City of Sparks' removal from the case.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Shaw ordered that the District Attorney's Office be authorized to execute the Stipulation and Order for Dismissal of Case for the City of Sparks.

4:38 p.m. The Board recessed.

5:35 p.m. The Board reconvened with Commissioner Humke temporarily absent.

**04-1046 ORDINANCE NO. 1251 – BILL NO. 1431 – AMENDING
WCC CHAPTER 15 – NAME CHANGE – PARKS DEPARTMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on October 1, 2004 to consider second reading and adoption of Bill No. 1431. Proof was made that due and legal Notice had been given.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak. There being no response the Chairman closed the public hearing.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Humke temporarily absent, Chairman Shaw ordered that Ordinance No. 1251, Bill No. 1431, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY CHANGING THE NAME OF THE WASHOE COUNTY DEPARTMENT OF PARKS AND RECREATION TO THE WASHOE COUNTY DEPARTMENT OF REGIONAL PARKS AND OPEN SPACE AND OTHER MATTERS RELATING THERETO**," be approved, adopted and published in accordance with NRS 244.100.

5:40 p.m. Commissioner Humke returned to the meeting.

04-1047 APPEAL CASE NO. AX04-010 – ADMINISTRATIVE PERMIT AP04-003 - RONALD AND FRANCEY DENNIS – CONTINUED

5:30 p.m. This was the time set for continued consideration of the appeal of the Board of Adjustment's decision, which denied, without prejudice, the applicants request to legalize the previous construction of two amateur radio towers, one being 138 feet in height and one being 100 feet in height, with attached array, as authorized in Section 110.324.35 of the Washoe County Development Code with the issuance of an Administrative Permit. The project is located approximately 500 feet north of the intersection of Indian and Wigwam, in the Golden Valley area and is addressed as 9275 Wigwam. The ±5-acre parcel is designated Low Density Suburban (LDS) in the North Valleys Area Plan, and is situated in a portion of Section 11, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the North Valleys Citizen Advisory Board boundary and Washoe County Commission District No. 3. (APN: 552-040-46)

Roger Pelham, Planner, explained staff attempted to have a meeting with the surrounding property owners, but due to an error in the noticing for that meeting, it did not take place. He said staff and the applicant are requesting a continuance of this hearing to November 9, 2004 at 5:30 p.m. He informed the Board another meeting would be held, subject to the continuance, on October 14, 2004 at 5:30 p.m. in the Community Development large conference room. He confirmed the notices had gone out to the area property owners.

Commissioner Sferrazza stated he was asked by his constituents to attend the meeting, but he could not be available on October 14, 2004. He said he believed staff would contact him with the date of the meeting, and County Manager Katy Singlaub clarified staff was unaware of his desire to have the meeting scheduled around his calendar. She added it would be difficult to unnotice the meeting. She stated a subsequent meeting could be scheduled in order for Commissioner Sferrazza to be in attendance. Commissioner Sferrazza was agreeable, and he remarked he did not want the meeting on October 14, 2004 to be rescheduled. Mr. Pelham confirmed he would work with Commissioner Sferrazza to set the next meeting date.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak for or against Appeal Case No. AX04-010.

Robert Futz, area resident, stated he would like an additional meeting held where Commissioner Sferrazza could serve as moderator.

On motion by Commissioner Galloway, seconded by Chairman Shaw, which motion duly carried, it was ordered that the public hearing concerning Appeal Case No. AX04-010 be continued to November 9, 2004 at 5:30 p.m.

04-1048 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP04-011 – JRB
CORP. /R&K HOMES

5:30 p.m. This was the time set in a Notice of Public Hearing, published in the *Reno Gazette-Journal* and mailed to affected property owners on October 1, 2004, to consider a request to amend the North Valleys Area Plan, being a part of the Washoe County Comprehensive Plan, as provided for in Article 820 of the Development Code. The amendment request would re-designate Assessor's Parcel Number 552-100-01 (± 35.16 acres) from the land use category of Low Density Suburban (LDS) and General Rural (GR) to Low Density Suburban (LDS) and Medium Density Suburban (MDS). Currently, ± 16.10 acres are designated General Rural and ± 19.06 acres as Low Density Suburban. The requested changes would result in ± 2.0 acres as Medium Density Suburban (MDS) and ± 33.16 acres as Low Density Suburban (LDS). Assessor's Parcel Number 552-092-19 (± 20.21 acres) is also included in the application, but will not change in its designation of Low Density Suburban (LDS). The parcels are located in Golden Valley at the northeast corner of the intersection of Golden Valley Road and Estates Drive, are within the Area of Interest of the city of Reno and the Truckee Meadows Service Area. The parcels are in the North Valleys Citizen Advisory Board review area, and are represented by County Commission District 3. The parcel is found within the East Lemmon Valley Hydrographic Basin, in Section 11, T20N R19E, MDM, Washoe County, Nevada. Proof was made that due and Legal Notice had been given.

To reflect the changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed, including a revised map series with updated parcel base and revisions to the Table of Land Uses.

Paul Kelly, Planner, described the requested amendment and provided background information as detailed in the agenda memorandum dated September 17, 2004. He answered Commissioner Galloway's questions concerning Table 1, explaining there was a desire on the part of the Planning Commission to have the MDS portion located in the center of the parcel.

Commissioner Galloway inquired if this would lead to a built project or possibly another step to an additional land use change. Mr. Kelly said he had seen preliminary plans for a residential development.

Chris Baker, Summit Engineering representative on behalf of R&K Homes, explained the overall goal for the project was to have one common open space development spread over three parcels that would allow for 154 dwelling units on 154.79 acres. He outlined

the steps required to arrive at that goal, including the approval of two tentative maps for the northern and southern parcels and approval of the Comprehensive Plan Amendment by the Board. He thanked the North Valleys Citizen Advisory Board (CAB) and the Golden Valley Homeowners Association for their input into the process.

In response to Commissioner Galloway, Mr. Baker remarked only the southern section was before the Board; and he detailed the open space areas in the northern parcel. He confirmed the area being left for open space was presently zoned general rural, and the Homeowners Association would own it.

Mr. Kelly clarified the open space would be platted as common open space, and it would be open to the public for access on the trail system.

Neal Cobb, Golden Valley resident, spoke in support of the project. He said there has been hard work between the residents in the area, the developers, and County staff to put this plan together. He commented the residents want the development to be compatible and complimentary to their existing lifestyle; and this project would increase property values, provide large lots and trails, and not disrupt the appearance of the valley. He noted the residents' desire to see this developed under Washoe County standards and control and not to become a voluntary annexation.

Commissioner Sferrazza inquired if other residents were in support of the project, and Mr. Cobb said 99.9 percent were happy to see a good, quality plan.

There being no one else wishing to speak, the Chairman closed the public hearing.

Having made the following findings, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that Comprehensive Plan Amendment Case No. CP04-011 be approved. It was further ordered that the Chairman be authorized to execute the Resolution after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.

1. The proposed amendment to the North Valleys Area Plan is in substantial compliance with the policies and action programs of the *Washoe County Comprehensive Plan*. The amendment conforms to policies POP.1.3, POP.1.5, POP.1.6, C.1.3, C.2.1, C.2.15, C.2.16, C.3.1, LUT.1.1, LUT.1.2, LUT.1.3, LUT.1.9, LUT.1.10, LUT.1.12, LUT.1.14, LUT.1.15, LUT.1.17, LUT.1.19, LUT.1.24, LUT.2.3, LUT.2.4, PSF.1.10, PSF.1.13, PSF.1.21, PSF.2.2, PSF.2.4, PSF.2.5, PSF.4.1, PSF.4.2, PSF.4.8, PSF.4.9, PSF.5.4, NV.2.4, NV.4.1, and NV.4.6.
2. The proposed amendment to the North Valleys Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely affect the public health, safety, or welfare.
3. The proposed amendment to the North Valleys Area Plan responds to

changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.

4. The proposed amendment to the North Valleys Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element, and/or the Housing Element of the *Washoe County Comprehensive Plan*.
5. The proposed amendment to the North Valleys Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. The proposed amendment to the North Valleys Area Plan is the third amendment to the Plan in 2004, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the North Valleys Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).
8. The Washoe County Planning Commission has reviewed the required regional findings in Article 822 for conformance with the Regional Plan, including Section 822.25, findings for Regional Form and Pattern; Section 822.30, findings for Housing; Section 822.35, findings for Concurrency, Timing and Phasing of Infrastructure; Section 822.40, findings for Public Service Levels and Fiscal Effect; and Section 822.45, findings for Open Space, Resource Constraints, and Cooperative Planning Considerations Not Elsewhere Addressed.
9. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
10. That the Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the public hearing.

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There being no further business to come before the Board, the meeting adjourned
at 6:00 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Board of
County Commissioners

*Minutes Prepared by
Jan Frazzetta, Deputy County Clerk
Lori Rowe, Deputy County Clerk*