

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JUNE 28, 2005

PRESENT:

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

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

ABSENT:

Bob Larkin, Vice Chairman

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:

***2:12 p.m.** Commissioner Galloway arrived during discussion on the following item.

05-662 **AGENDA**

Gary Schmidt, Washoe County resident, spoke in opposition to the consent agenda.

Guy Felton, Reno resident, commented the consent agenda was not good government, and it should be discontinued.

Commissioner Sferrazza asked if the agenda needed to be approved.

Melanie Foster, Legal Counsel, confirmed the purpose of approving the agenda was to confirm the business that would be conducted at the meeting. She explained the Board may not take action on any item not on an agenda; however, nothing mandated that the Board take action on anything on an agenda.

Commissioner Galloway stated he was in favor of approving the agenda at every meeting. He said that was what allowed the Board to move items on and off the consent list when desired.

In accordance with the Open Meeting Law, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that the agenda for the June 28, 2005 meeting be approved.

05-663 PUBLIC COMMENTS

Commissioner Galloway acknowledged that 11 cards had been received, and he made a motion to allow one minute for each speaker. Commissioner Humke seconded the motion.

Chairman Weber said she would not support the motion. She stated the first 10 people should have three minutes to speak, and any additional people should be allowed one minute to speak. Commissioner Sferrazza agreed with Chairman Weber.

Commissioner Galloway modified the motion to allow the first ten people three minutes each to speak, and each additional person would be given one minute to speak. Commissioner Humke accepted the modification to the motion.

On call for the question, the motion passed on a 4-0 vote, with Commissioner Larkin absent.

Greg MacRenaris, Concerned Citizens for Accountability in Government, spoke about statewide construction fraud and presented evidence to the Board.

David Howard, Tahoe-Pyramid Bikeway representative, requested the Tahoe-Pyramid Bikeway be placed on the next agenda to approach the Board about a resolution of ownership for the next bridge to be built on the Truckee River for the bikeway at Lockwood, which would be the Pioneer Bridge. He commented on the commitment of the Tribe to build part of the bike trail.

Mike Brierley, member of the Save Wildcreek Group, spoke in favor of Wildcreek Golf Course. He asked the Board to notify the group if there was anything on an agenda about the golf course, and he presented additional comments and a list of contact numbers of his group.

John Hesse, Sparks resident, voiced his support of Wildcreek Golf Course. He said if the area could not remain a golf course, he would favor the site becoming a park or green belt area versus being developed. He added golfing opportunities should be expanded for seniors in Washoe County.

Wesley Griffin, member of the Save Wildcreek Group, talked about the history of Wildcreek Golf Course and stated the golf course belonged to the citizens of Washoe County.

Guy Felton, Reno resident, presented and read a letter addressed to Fred Hamilton, publisher of the *Reno Gazette-Journal*, regarding the 2004 Legislative Audit Report concerning contracting and bidding procedures used by the University system.

Jon Obester, Reno resident, spoke about idling vehicles, the number of cars in Washoe County, and needed street repairs. He spoke against the Sheriff's Office policy of flying helicopters on Friday and Saturday nights.

Susan Seidl, Sparks resident, said she was present at the meeting two weeks ago and spoke about a letter she had sent to Washoe County dated June 2, 2005. She confirmed she still had not received a response. She commented on the Warm Springs Citizen Advisory Board appointments and why she was not eligible to apply.

Onie Cooper, local resident, recommended the Board use good judgment when items come before them. He discussed a prior agenda item of Karm versus Washoe County.

Al Hesson, Reno resident, spoke against President George W. Bush and the war in Iraq.

Sam Dehne, local resident, said the Board was denying his first amendment rights by not allowing him to speak three minutes at the meeting.

Gary Schmidt, Washoe County resident, stated the District Attorney or any representative of the District Attorney's Office should have nothing to do with the selection of an independent counsel since they had been disqualified from the case of Karm versus Washoe County. He presented an Open Meeting Law complaint from June 21, 2005.

Juanita Cox, Sparks resident, discussed the questionable contracts of the District Attorney's Office and said the Commission should consider hiring their own private counsel.

05-664 COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Galloway requested a staff update on Wildcreek Golf Course no later than July 2005. He asked for a report on the Lockwood trail bridge issue and requested that staff contact the Tribe regarding their action on the trail.

Commissioner Sferrazza and Chairman Weber asked that the issue involving patrol of the Bureau of Land Management (BLM) lands between Lemmon Valley and Golden Valley be placed on a future agenda. Commissioner Sferrazza requested the Pioneer Bridge ownership be agendized, and he asked for a response to Susan Seidl's letter. He asked that the appointment of the law firm in the conflict counsel case be placed on the next available agenda in July, and the District Attorney be present

to cite the law that deprives the County Commission from making that appointment in a conflict case.

Melanie Foster, Legal Counsel, said she believed Jim Jeppson, Risk Manager, had already dealt with the issue of retaining counsel. Ms. Foster confirmed it was allowable for the Board to ask questions of Mr. Jeppson.

Mr. Jeppson advised that he contacted a law firm following the decision of the Board on June 21, 2005 concerning Karm versus Washoe County. He confirmed the County had a list of conflict attorneys that the County uses when the District Attorney's Office cannot represent the County, the Board, or individual County employees in contested matters. He explained the attorneys that were contacted would be checking their records to make sure they did not have a conflict in the matter. He said the County would consider retaining them for this particular case if they did not have a conflict. Mr. Jeppson stated no legal counsel had been obtained by the County at this time.

Commissioner Galloway asked if the District Attorney's Office or Mr. Jeppson would make the selection, and Mr. Jeppson confirmed he would make the selection.

Commissioner Sferrazza said he would like to see the written delegation of authority in this matter.

Commissioner Humke asked that the item requested by citizen David Howard during public comment, as to the bike trial bridge issue, be placed on a future agenda. He recognized the retirement of Commander Will McHardy after 26 years of service with the Sheriff's Office. He commented on the Governor's Summit, which was held on June 27, 2005, and he named several County employees who were present. Commissioner Humke explained the Governor's Summit was designed to discuss possible ways for collaboration between the State, counties and the private sector in solving juvenile justice problems. He said this meeting focused on the topic of mental health services for juvenile offenders and child welfare cases in Washoe County and across Nevada.

In response to Chairman Weber, Katy Singlaub, County Manager, explained staff had met with the BLM, and she advised the Sheriff's Office of the discussion by the Board about the County providing increased enforcement on BLM lands. She said there was a tremendous amount of BLM and Forest Service land within Washoe County that had problems with trash and shooting. She added the Sheriff's Office worked diligently with federal agencies regarding the law enforcement issues, but there was no staffing and resources mapped out that would be required for the County to provide enforcement on the BLM lands to deal with trash issues. She said the item would be on a future agenda for Board discussion and staff direction.

Chairman Weber commented on a conversation with Michelle Pochè, Assistant County Manager, and she asked about the possibility of having a new staff

person who would discuss these issues with the BLM and the Sheriff's Office. Ms. Singlaub said she would follow up on the conversation and would bring it back to the Board. Chairman Weber remarked on the difficulties of enforcement in those areas. She added members of the public would be interested in serving on a committee regarding these issues.

Chairman Weber recognized a recent event held by "Scenic Nevada" in the Golden Valley area.

Commissioner Galloway clarified the idea concerning the BLM item was to ask the BLM if they would be interested in an agreement whereby the Sheriff's Office would be compensated for patrolling BLM properties. He requested a representative from the BLM be available to comment on which properties they would like to have patrolled when the agenda item comes forward.

Ms. Singlaub referenced an interoffice memorandum dated June 20, 2005 that was provided to the Board and copied to citizen Susan Seidl concerning an appeal process for building permit conditions. She noted from the memorandum that the building permit Ms. Seidl applied for in 2001 for lot development at 1500 Piute Creek Road had expired, and she no longer had appeal rights. Ms. Singlaub explained the process to appeal conditions placed on a building permit was through the Board of Adjustment; and, if denied by the Board of Adjustment, the appeal would be made to the Board of County Commissioners.

05-665 MINUTES

Sam Dehne, local resident, said he was against approval of the minutes from the May 24, 2005 meeting because there were many violations at the meeting, and the agenda was illegal because it allowed the Commission to decide how long citizens could speak during public comment.

Gary Schmidt, Washoe County resident, suggested the Commissioners establish a policy that the tapes be saved and placed on CD's rather than following State law and only saving the tapes for two years. He said the minutes do not accurately or completely reflect what happened at the meetings.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that the minutes of the regular meeting of May 24, 2005 be approved.

**05-666 ACCEPTANCE OF BYRNE GRANT AWARD – OFFICE OF
CRIMINAL JUSTICE ASSISTANCE – SHERIFF**

Upon recommendation of Valerie Gilmore, Fiscal Compliance Officer, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Larkin absent,

Chairman Weber ordered that the Byrne grant award from the Office of Criminal Justice Assistance, in the amount of \$10,500 with a 25 percent cash match of \$3,500, be accepted and the Budget Division be directed to make the following budget adjustments:

Increase Revenues	Amount
10159-431100 (Multi-Juris Gang TF – Federal Grants)	\$10,500
Increase Expenditures	
10159-701300 (Multi-Juris Gang TF – Overtime)	\$10,500

**05-667 ACCEPTANCE OF DONATIONS AND FUNDRAISING –
SHERIFF'S HONOR GUARD – PEACE OFFICER MEMORIAL –
SHERIFF**

Commissioner Galloway acknowledged and thanked the donors that contributed to the Washoe County Sheriff's Honor Guard. He said \$18,000 had been donated previously, and this was an additional donation.

Upon recommendation of Ty LaRiviere, Lieutenant, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that the following donations and raised funds in the amount of \$9,285, acquired through the Sheriff's Office Honor Guard and to be used to cover costs incurred for attendance at the Annual Peace Officer Memorial in Washington D.C. and Honor Guard supplies, be accepted with the gratitude of the Board.

List of Donors	Amount
Blue Knights	\$1,500
Hot August Nights	\$5,000
Fundraising	\$2,785

**05-668 STREET NAME CHANGE – SNOWBERRY CIRCLE TO
WINTERBERRY COURT**

Upon recommendation of the Regional Street Naming Committee, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that the request to change the name of Snowberry Circle to Winterberry Court be approved effective December 28, 2005. It was noted this street is located in Galena Forest Estates off the intersection of Mt. Rose Highway and Joy Lake Road.

**05-669 LEASE AGREEMENT – RENO ANIMAL SERVICES SHELTER
FACILITY – PUBLIC WORKS**

In response to Commissioner Galloway, Jean Ely, General Services Division Director, explained this was a separate lease agreement on behalf of the County to lease back from the City of Reno the existing shelter facility. She said the City of

Reno would be leasing their existing facility to Washoe County for the sum of \$1.00. She stated the retention that had been mentioned in the actual physical lease agreement was based on the fact that there were two modular units attached to the existing shelter facility, and the City of Reno must pay a fee for the monthly rent for those two modular units. She said that was part of the reason for the retention. Ms. Ely confirmed \$35,000 was needed to pay utilities, custodial, telephone, and maintenance expenses. She declared the existing facility was high maintenance, and that was one of the reasons why it was decided to discontinue the use of that facility.

Upon recommendation of Ms. Ely, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Larkin absent, it was ordered that a Lease Agreement between Washoe County, a political subdivision of the State of Nevada, and the City of Reno, a Nevada Municipal Corporation, concerning use of the existing Reno Animal Services Shelter Facility for a term commencing July 1, 2005 through completion of construction and relocation to the new Washoe County Regional Animal Services Center in the amount of \$1.00 including operating expenses in an amount not to exceed \$35,000, be approved and Chairman Weber be authorized to execute the agreement upon presentation.

**05-670 AGREEMENT – WASHOE CREDIT UNION – AUTOMATIC
TELLER MACHINES – PUBLIC WORKS**

Commissioner Sferrazza stated it was his understanding that Request for Proposals (RFP's) would be completed every three years on contracts. He said the Board was being asked to approve the agreement for another five-year term without an RFP, and he did not agree with that. He asked about charges for using the Automatic Teller Machines (ATM's).

Wendy Pitts, Property Program Manager, explained when staff renewed the agreement, the renewal in 2002 was missed; and it only covered two of the ATM agreements. She said this agreement was asking permission to install one additional unit at 350 South Center, and they had requested the County extend the term because of the costs involved with installation. Ms. Pitts noted Washoe Credit Union members receive services without cost, and members of other banks would pay a surcharge.

Commissioner Sferrazza said the County would be giving preference to one private company, and they should provide in the contract that services to everyone be without charge. He stated the machine would be placed in a public facility; the County would be subsidizing it by paying the utility costs and providing a space without rent; and he could not support the agreement if an RFP to allow competition would not be offered.

Ms. Pitts said the rules of the Washoe Credit Union could prevent them from waiving the fees.

Commissioner Galloway asked if a memorandum was sent out about the policy the Board adopted regarding any contracts going beyond three years should be rebid. He said it was the intention of the Board that competition would occur at least every three years where possible.

County Manager Katy Singlaub confirmed the policy was explained to all department heads.

Commissioner Galloway said he did not understand how this came before the Board because this was an extension for an additional five years of an agreement with no rebid.

Ms. Pitts explained the agreement was originally proposed when it was discovered that the County could not locate an ATM in the Mills Lane Justice building. Commissioner Galloway asked why an amendment could not be proposed to allow for the additional machine, but not extend the terms. Ms. Pitts responded the contract would expire in August of 2006. Commissioner Galloway said the County had to be fair, as many credit unions existed in the area and not all employees used the same bank or credit union.

Commissioner Humke said the ATM fees were set by State statute and waiving the fees would not be possible. He agreed there should be a balance between the needs of the employees and the needs of the public, and that could become part of the RFP process.

Chairman Weber commented she did not see a problem with the fee. Commissioner Sferrazza stated it was a problem because the County was favoring one ATM vendor over all others in the County without competition. He asked for information on the fees and if they could be capped or negotiated. Commissioner Sferrazza acknowledged the agreement should be limited to 2006, and he suggested allowing for more than one ATM vendor to offer competition.

Ms. Singlaub explained one of the original discussion points with regard to having ATM's was to provide a way for County employees to not have to leave their work places to go to banks and credit unions. She said she did not believe the County desired to be in the business of having three and four different ATM machines in various locations.

Commissioner Galloway offered, if there was an urgency to get this one machine installed, Public Works could consider casting a separate RFP for that machine; and, in the mean time, staff could seek competition. He said he could not approve the agreement without allowing for competition among ATM vendors.

Gary Schmidt, Washoe County resident, said the item should be pulled from the consent agenda and brought back for full discussion.

Juanita Cox, Sparks resident, commented on costs to the public for ATM machines that were placed in various County facilities.

Jean Ely, speaking as a private citizen, spoke on behalf of Washoe Credit Union and stated it was a member organization that existed to serve its members.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that an agreement between Washoe County and Washoe Credit Union, concerning placement of ATM's within County-owned facilities, be continued to the August 16, 2005 meeting.

05-671 APPEARANCE – THOR DYSON – NEVADA DEPARTMENT OF TRANSPORTATION

Thor Dyson, District II Engineer, Nevada Department of Transportation (NDOT), introduced Scott Magruder, Public Information Officer for NDOT.

Mr. Magruder said the Spaghetti Bowl project started in 2002 and was to be completed this summer; however, the new completion date was set for March 2006. He stated NDOT was not pleased with the delay and was concerned with Frehner Construction Company, Inc., the contractor for the project. He explained the contract was a working day contract, which meant the contractor planned to build it in 635 working days. Mr. Magruder confirmed the contractor was now looking at 750 working days until completion. He added the contract would cost them \$1.5-million in liquidated damages. He expressed the bottom line was that the company had failed to produce at a level NDOT expected, and he detailed four options NDOT could take to speed up the contract. He acknowledged NDOT would work with the contractor to get the project back on track.

Commissioner Galloway said there was no public enthusiasm for the sound walls, and he asked if they could be taken out of the contract and completed later. Mr. Magruder explained the federal government required the sound walls, and many people have had no relief from noise along those walls for over 30 years. He noted the project was a \$53-million contract and half of the project was concrete re-hab. He reviewed a map of the project he presented to the Board.

Commissioner Sferrazza inquired if there were ways to better coordinate the exit closures. Mr. Magruder explained some of the rules that were set in the contract included having no two exits closed simultaneously. He said they received many complaints about the ramps being closed for long periods of time; however, the contractor could keep the ramps closed without any liquidated damages. Mr. Magruder acknowledged NDOT was working with the contractor, the community, and businesses concerning the project. He added there were two months the contractor could not work due to the weather, and that served to move the calendar forward.

Commissioner Sferrazza asked if Granite Construction was involved in the project, and Mr. Magruder clarified they were doing the Clear Acre project. Commissioner Sferrazza inquired about having a middle lane to provide for increased capacity on northbound lanes in the evenings and southbound lanes in the morning. Mr. Magruder confirmed he would check with the engineers, but it was probably too late for this project.

Chairman Weber thanked NDOT for attending Sun Valley Citizen Advisory Board meetings.

Commissioner Humke complimented NDOT on the work completed on the Spaghetti Bowl. Mr. Dyson said he welcomed comments from the Commissioners and their constituents.

Commissioner Sferrazza said the major problem he had was going from I-80 traveling west to I-395 traveling north. He stated it was a narrow area where the traffic merges, and the potential for accidents was high. Mr. Dyson said the area was not finished, and he would check into the situation.

Sam Dehne, local resident, commented on the uncontrolled growth in Washoe County and mentioned a road hazard at Peckham and Kietzke Lanes.

Juanita Cox, Sparks resident, inquired as to why NDOT did not check the work of the contractor before opening portions of I-80 when the markings of the highway ran directly into cement walls.

Mr. Dyson explained NDOT fined the contractor for excessive damages for the striping issue. He said the contractor did not have enough resources for the striping, and NDOT took the appropriate action with the contractor and made the corrections as required.

The Commissioners thanked Mr. Dyson and Mr. Magruder for their appearance at the meeting.

05-672 ACCEPTANCE OF LETTER - BUREAU OF JUSTICE
ASSISTANCE – JUSTICE ASSISTANCE GRANT – SHERIFF

Commissioner Galloway asked if the Board was approving the Cooperative Agreement by endorsing this item, or did the Board approve the Cooperative Agreement at another time.

County Manager Katy Singlaub clarified the action before the Board was to permit Dennis Balaam, Sheriff, to authorize the submittal of the grant. She added when the grant returned to the Board for approval of the award there would be an action item to approve the Cooperative Agreement.

Upon recommendation of James Lopey, Assistant Sheriff, and Tami Cummings, Administrative Division, through Dennis Balaam, Sheriff, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Larkin absent, it was ordered that the letter to the Bureau of Justice Assistance, assigning Sheriff Balaam as Commission Chairperson Weber's signature designee for the Cooperative Agreement between the Reno Police Department, the Sparks Police Department and the Washoe County Sheriff's Office, to apply for federal fiscal year 2005 Justice Assistance Grants (JAG) direct award funding, be accepted and Chairman Weber be authorized to execute the same.

4:12 p.m. The Board recessed.

4:25 p.m. The Board reconvened with all members present.

05-673 GRANT – DIVISION OF AGING SERVICES – ADULT DAY CARE PROGRAM – SENIOR SERVICES

Commissioner Humke stated he serves on the Nevada Commission on Aging.

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that a grant award from the Division of Aging Services for the Adult Day Care program in the amount of \$117,668, with a County match of \$20,767, for the period July 1, 2005 through June 30, 2006 be accepted.

05-674 GRANTS – DIVISION OF AGING SERVICES – HOMEMAKER PROGRAM – CASE MANAGEMENT – ADVOCACY PROGRAM - SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that three grant awards from the Division of Aging Services for the period of July 1, 2005 through June 30, 2006 be accepted and the Finance Department be directed to make the following budget adjustments:

Program	Award Amount	County Match
Homemaker program	\$105,210	\$18,569
Case Management	\$ 50,000	\$ 8,825
Advocacy program	\$ 85,000	\$15,002

It was noted that with the acceptance of these grants the fiscal year 2005/06 budget would be increased by \$37,210 in the following revenue and expenditure accounts:

Account Number	Description	Amt of Increase
10088-431100	DAS Homemaker/Fed Revenue	\$37,210
10088-701110	DAS Homemaker/Base Salaries	\$37,210

It was further noted that the required County match dollars for all three of these grants had been included in the approved fiscal year 2005/06 budget within the Social Services Division.

05-675 GRANT – DIVISION OF AGING SERVICES – SENIOR LAW PROJECT – CREATION OF POSITION - SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that a grant award from the Division of Aging Services for the Senior Law Project in the amount of \$102,648, with a County match of \$18,116, for the period of July 1, 2005 through June 30, 2006 be accepted and the Finance Department be directed to make the following budget adjustments:

Account Number	Description	Amt of Increase
10089-431100	Federal Revenue	\$3,948
10089-711210	Travel	\$3,010
10089-701120	Part Time	\$ 938

It was further ordered that the creation of one .53 FTE benefits eligible (21 hours per week) position (PC# TBD) as evaluated by the Job Evaluation Committee be authorized.

05-676 REFRESHMENTS – WORKSHOP/WORK SESSIONS FOR PLANNING COMMISSIONERS -- COMMUNITY DEVELOPMENT

Upon recommendation of Mike Harper, Planning Manager, through Adrian Freund, Community Development Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that the expenditure of no more than \$1,000 to provide refreshments for Planning Commissioners at Workshop/Work Sessions during fiscal year 2005/06 be approved.

05-677 AGREEMENT - RENO CELEBRATES AMERICA – PARKS

County Manager Katy Singlaub noted staff discovered that proper incorporation papers were not current, and she requested the Board add to the motion that the execution would be contingent upon proper filing of incorporation.

Chairman Weber said she was concerned if the event was cancelled or moved to another location that the funds previously dedicated would follow. Commissioner Sferrazza clarified the Board specifically asked that the monies would not follow, and the County would support the event only at Rancho San Rafael Regional Park.

Upon recommendation of Gregg Finkler, Park Operations Superintendent, through Karen Mullen, Regional Parks and Open Space Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Larkin absent, it was ordered that an agreement between Washoe County and Reno Celebrates America (dba Reno/Sparks/Washoe County Skyfire, Inc.), concerning a 4th of July celebration to be held at Rancho San Rafael Regional Park on July 4, 2005, be approved and the execution be contingent upon proper filing of incorporation.

**05-678 APPOINTMENTS/REAPPOINTMENT – GALENA-STEAMBOAT
CITIZEN ADVISORY BOARD**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that Dena Wiggins be reappointed as the At-Large alternate on the Galena-Steamboat Citizen Advisory Board (CAB). It was further ordered that John McLelland be appointed as the Steamboat/Toll Road representative and Dennis Wilson be appointed as the Steamboat/Toll Road At-Large representative on the Galena-Steamboat CAB. It was noted that all terms would be from July 1, 2005 to June 30, 2007.

**05-679 APPOINTMENTS/REAPPOINTMENTS – GERLACH/EMPIRE
CITIZEN ADVISORY BOARD**

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that Jonathan Farnsworth be appointed as the Gerlach/Empire Citizen Advisory Board (CAB) At-Large representative and Gearldean Martinson be appointed as the Gerlach/Empire CAB Senior Citizen representative with terms from July 1, 2005 to June 30, 2007.

It was noted that Chairman Weber requested the one additional position not be filled at this time.

Chairman Weber acknowledged the service of various Gerlach/Empire CAB members, and Bob Webb, Planning Manager, confirmed that each departing CAB member receives a signed certificate of appreciation for their service from the Commissioners and the County Manager.

**05-680 APPOINTMENTS/REAPPOINTMENTS – INCLINE
VILLAGE/CRYSTAL BAY CITIZEN ADVISORY BOARD**

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that Susan Fagan and Greg Flanders be reappointed as At-Large representatives and Rick Jones be reappointed as the Crystal Bay representative on the Incline Village/Crystal Bay Citizen Advisory Board (CAB) with terms from July 1, 2005 to June 30, 2007. It was further ordered that Guy Burge be appointed as the At-Large alternate on the Incline Village/Crystal Bay CAB with a term from July 1, 2005 to June 30, 2006.

Commissioner Galloway acknowledged the service of Paul Zahler who served as Chairman on the Incline Village/Crystal Bay CAB.

**05-681 APPOINTMENTS/ REAPPOINTMENTS – SOUTHWEST
TRUCKEE MEADOWS CITIZEN ADVISORY BOARD**

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that Ellen Steiner, Steve Cohen, Faith Fessenden, and E.J. Smith be reappointed and Jill Switzer be appointed as At-Large representatives on the Southwest Truckee Meadows Citizen Advisory Board (CAB) with terms from July 1, 2005 to June 30, 2007. It was further ordered that Eric Scheetz be appointed as the Mt. Rose representative on the Southwest Truckee Meadows CAB with a term from July 1, 2005 to June 30, 2006.

**05-682 APPOINTMENTS/ REAPPOINTMENTS – WARM SPRINGS
CITIZEN ADVISORY BOARD**

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that Frank Kujac and Robert White be reappointed as At-Large representatives on the Warm Springs Citizen Advisory Board (CAB) with terms from July 1, 2005 to June 30, 2007.

It was noted that Commissioner Larkin requested through an e-mail that the one additional position not be filled at this time.

05-683

**APPOINTMENTS/ REAPPOINTMENTS – WEST TRUCKEE
MEADOWS CITIZEN ADVISORY BOARD**

Commissioner Sferrazza indicated he had spoken with Commissioner Galloway about the appointments, and he had no issue with them. He said Commissioner Galloway was supportive of his preference to have a Citizen Advisory Board (CAB) for District 3.

In response to Commissioner Galloway, Melanie Foster, Legal Counsel, explained there were term limits in place for actual CAB members; however, the Board had been silent in applying those term limits to alternates. She said it was up to the Board to interpret how to apply the rule and whether to apply it to alternates.

Commissioner Sferrazza said he supported applying the term limits to alternates, and Commissioner Galloway added it was reasonable unless the Board made a clear prohibition.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that Bridget Ryan be reappointed and Roy Hibdon be appointed as West of McCarran representatives and Joseph Giddings be appointed as the East of McCarran representative on the West Truckee Meadows CAB with terms from July 1, 2005 to June 30, 2007. It was further ordered that Karen Peek and Patty Schweitzer be reappointed as the At-Large alternates on the West Truckee Meadows CAB with terms from July 1, 2005 to June 30, 2006.

Chairman Weber stated the Board appreciated the service of all the CAB members.

05-684

**INTERLOCAL AGREEMENT - WATER-SHED WATER
QUALITY EDUCATIONAL OUTREACH PROGRAM –
WATER RESOURCES**

Upon recommendation of Jim Smitherman, Water Resources Program Manager, and Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, and Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Commissioner Larkin absent, it was ordered that the expenditure of \$30,000 from the Regional Water Management Fund and \$10,000 from the Public Works Department Storm Water Permit Program be approved. It was further ordered that an interlocal agreement between Washoe County, the Board of Regents, University and Community College System of Nevada on behalf of the University of Nevada Cooperative Extension, the City of Reno, and the City of Sparks, concerning the completion of the Watershed-Based Water Quality Educational Outreach Program, be approved and Chairman Weber be authorized to execute the same.

**RENEW EXCESS WORKERS' COMPENSATION INSURANCE
POLICY – RISK MANAGEMENT**

County Manager Katy Singlaub pointed out decreased rates for this insurance while modest increases in others had occurred, and said the work by Jim Jeppson, Risk Manager, to expand the retention resulted in lower rates.

In response to Commissioner Sferrazza, Mr. Jeppson noted the County had not experienced a loss of a non-public safety employee exceeding the retention. He said there was one fatality to a County employee seven to eight years ago who was a non-police, non-firefighter; and, at the time the claim was established, it would have been under this retention. Mr. Jeppson explained the County had been forced into a high retention for the public safety workers because of the nature of the laws in Nevada. He confirmed currently no other public employers with police and fire exposures had a retention less than \$1.5-million. He commented the County had to increase the retention to \$1.5-million last year, and this proposal would increase the retention for non-police from \$1.1-million to \$1.5-million. He acknowledged a loss within that range was possible and said the largest loss was a \$1.8-million claim from the most recent loss of a Deputy Sheriff.

In response to Commissioner Sferrazza, Mr. Jeppson clarified the present value was less than \$1.8-million, but State law required the County to fully fund the \$1.8-million.

Commissioner Galloway inquired if the policy was occurrence based, and Mr. Jeppson concurred. He said the claims that were incurred today would be part of the 2004/05 fiscal year policy.

Commissioner Sferrazza asked if the \$1.8-million claim assumed no remarriage for the surviving spouse and the children not marrying for a period of time. Mr. Jeppson stated the workers' compensation law included the remarriage penalty. He explained if the surviving spouse does remarry, the spouse would be eligible for a two-year lump sum payment of benefits and then the indemnity benefits for that spouse would stop. He said the indemnity benefits would continue for the children, and each child would receive 15 percent of the indemnity benefit until the age of 18 or until 24 if they were full time students.

Upon recommendation of Mr. Jeppson, through John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that the Risk Manager be authorized to renew the excess workers' compensation insurance policy with Midwest Employers Casualty Company for one year at a premium of \$155,290, to renew the property insurance policy with Affiliated FM Insurance Company for one year at a premium of \$342,287 plus an engineering fee of \$10,000, and to renew the aviation insurance policy with Old Republic Insurance Company through Phoenix Aviation Managers for one year at a premium of \$29,288. It was noted

sufficient budget authority for the premium expenditures exists in cost center 195053, account 710595.

05-686 **BILL NO. 1450 -AMENDING WCC CHAPTER FIVE –
RECRUITMENT FOR NEW BOARD MEMBERS**

Bob Webb, Community Development Planning Manager, explained that due to comments from the Commissioners at a Caucus meeting he added Section 8 to read, "a citizen advisory board (CAB) member may not concurrently serve as a member of any other County Commission appointed board or commission to which the CAB provides recommendations." He believed there was a concern that other boards and commissions outside of the County appointed board might cause a resignation of a CAB member.

Commissioner Galloway suggested a correction on Section 1. Section 5.429 from "Advisory boards: Membership" to "Citizen Advisory boards: Membership."

Commissioner Sferrazza made suggestions on the advertising section and asked staff to review the methodology of the County's advertising. He stated he supported the change in the Ordinance.

Commissioner Galloway remarked that currently the only two such boards appointed by the County Commission were the Board of Adjustment and the Planning Commission. Mr. Webb agreed and said County Code directs notice of applications heard by the Board of Adjustment and the Planning Commission specifically to the CAB's.

Bill No. 1450, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 5 BY REVISING PROVISIONS REGARDING ADVERTISING FOR RECRUITMENT OF NEW BOARD MEMBERS; ADDING PROVISIONS THAT RESTRICT CONCURRENT SERVICE ON CERTAIN BOARDS; AND, PROVIDING OTHER MATTERS PROPERLY RELATING THERETO**" was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

05-687 **AWARD OF BID – LEMMON VALLEY WATER SYSTEM
IMPROVEMENTS – HEPPNER WATERLINE EXTENSIONS,
PHASE 4 – WATER RESOURCES**

Commissioner Sferrazza acknowledged that most of the bids came in close or under the Engineer's estimate, and they were good bids.

Chairman Weber commented many residents appreciated the work of the Water Resources Department, and she thanked staff for their continued labor on the project.

This was the time to consider award of the bid for constructing Lemmon Valley Water System Improvements, Heppner Waterline Extensions, Phase 4 for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* May 18, 19, 25, 26, and June 1 and 2, 2005.

Bids were received from the following vendors:

B.M.S.W., Inc.
Gerhardt & Berry Construction, Inc.

Upon recommendation of Joe Stowell, Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that the bid for constructing Lemmon Valley Water System Improvements, Heppner Waterline Extensions, Phase 4 for the Water Resources Department be awarded to B.M.S.W., Inc., in the amount of \$899,999.70. It was further ordered that the Chairman be authorized to execute the contract documents upon receipt, and the Engineering Manager be authorized to issue the Notice to Proceed.

**05-688 AWARD OF BID – CONSTRUCTING SPRING CREEK WATER
SYSTEM TRANSMISSION MAIN TO WELL NO. 7 – WATER
RESOURCES**

Commissioner Sferrazza acknowledged most of the bids came in close or under the Engineer's estimate, and they were good bids.

This was the time to consider award of the bid for constructing the Spring Creek Water System Transmission Main to Well No. 7 for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* May 18, 19, 25, 26, and June 1 and 2, 2005.

Bids were received from the following vendors:

Rapid Construction, Inc.
Mike's Trenching, Inc.

Upon recommendation of Alan Reich, Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that the bid for constructing the Spring Creek Water System Transmission Main to Well No. 7 for the Water Resources Department be awarded to Rapid Construction, Inc., in the amount of \$629,926. It was further ordered that the Chairman be authorized to execute the contract documents upon receipt, and the Engineering Manager be authorized to issue the Notice to Proceed.

05-689

AWARD OF BID – PYRAMID HIGHWAY- EAGLE CANYON DRIVE – CONCRETE BOX CULVERTS - WATER RESOURCES

Commissioner Sferrazza acknowledged most of the bids came in close or under the engineer's estimate, and they were good bids.

This was the time to consider award of the bid for construction of reinforced concrete box culverts at Pyramid Highway and Eagle Canyon Drive and the add alternate for constructing the 30-inch ductile iron main across Eagle Canyon Drive for the Water Resources Department.

Bids were received from the following vendors:

Sierra Nevada Construction
Granite Construction Company

Upon recommendation of Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that the bid for construction of reinforced concrete box culverts at Pyramid Highway and Eagle Canyon Drive and the add alternate for constructing the 30-inch ductile iron main across Eagle Canyon Drive for the Water Resources Department be awarded to Sierra Nevada Construction, in the amount of \$2,487,007.40. It was further ordered that the Chairman be authorized to execute the contract documents upon receipt, and the Engineering Manager be authorized to issue the Notice to Proceed.

05-690

AGREEMENT – SPANISH SPRINGS ASSOCIATES LIMITED PARTNERSHIP – NORTH SPANISH SPRINGS FLOODPLAIN DETENTION FACILITY – WATER RESOURCES

Upon recommendation of Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, it was ordered that a donation and construction agreement between Washoe County and Spanish Springs Associates Limited Partnership, concerning the donation without compensation of land for construction of the North Spanish Springs Floodplain Detention Facility and associated conveyance channels, be approved and Chairman Weber be authorized to execute the same.

AGREEMENT – FF-ONE, LLC – LEASE OF LAND – WATER RESOURCES

County Manager Katy Singlaub stated Steve Bradhurst, Water Resources Director, requested the item concerning an agreement of ground lease, purchase option and donation option with FF-One, LLC, for the lease of land for construction of the sediment detention basin associated with North Spanish Springs Floodplain Detention Facility be pulled, because it was not ready to move forward.

05-691 SOLE SOURCE DESIGNATION – SIERRA CONTROL SYSTEMS – PURCHASE OF SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEMS – WATER RESOURCES

Commissioner Sferrazza said he would approve the item based on Exhibit A, the Sole Source Purchase Request Form. He indicated he was satisfied that the item met the requirements for sole source designation.

Upon recommendation of Jerry McKnight, Finance and Operations Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that the continued sole source designation of Sierra Control Systems for the preventative maintenance, repair, replacement, emergency electrical service and purchase of Supervisory Control and Data Acquisition (SCADA) systems for the utility operations of the Water Resources Department be authorized and approved.

05-692 SOLE SOURCE DESIGNATION – CARSON PUMP – WATER RESOURCES

Commissioner Sferrazza stated the Sole Source Purchase Request Form justified the sole source designation.

Upon recommendation of Jerry McKnight, Finance and Operations Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that the sole source designation of Carson Pump for emergency pump services in amounts greater than \$25,000 be authorized and approved.

5:10 p.m. The Board recessed.

5:40 p.m. The Board reconvened with all members present.

05-693

TRUCKEE RIVER FLOOD MANAGEMENT PROJECT EARLY ACQUISITION PLAN – UNIVERSITY OF NEVADA PARCEL – WATER RESOURCES

Katy Singlaub, County Manager, said the University of Nevada, Reno had delayed the auction until July 28, 2005. She stated only the first part of the agendized item could be done today because of the delay. She said additional options would be brought back to the Board in July for their consideration.

In response to Commissioner Humke, Ms. Singlaub said only 27 of the 55 acres were needed, but the parcel had not been subdivided. She said the riverbank would be benched in that area to allow the water to expand when needed.

Upon recommendation of Paul Urban, Flood Control Manager, and Jeanne Ruefer, Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that the parcel owned by the University of Nevada System Board of Regents, located at the northwest corner of Mill Street and South McCarran Boulevard, 5305 Mill Street, APN 012-320-02, be added to the Truckee River Flood Management Project’s Early Land Acquisition Plan – Real Property List.

On motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that public comment on this item be reopened.

Juanita Cox, local resident, said she believed it was against the law for Washoe County to be acquiring parcels located in Storey County (numbers 19 through 21 on the list).

05-694

GENERAL FUND CONTINGENCY TRANSFER – GOLF COURSE FUND – FINANCE

Chairman Weber requested an update on the golf courses’ lack of funds sometime this summer.

Upon recommendation of Ron Steele, Fiscal Analyst II, through John Sherman, Finance Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that the General Fund Contingency transfer to the Golf Course Fund in the amount of \$250,000 be approved. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount
189000-820000	Contingency	(\$250,000)
680200-701110	Golf Course – Base Salaries	\$34,000

Account	Description	Amount
680200-705210	Golf Course – Retirement	\$16,000
680200-710100	Golf Course – Professional Services	\$90,000
680200-710500	Golf Course – Other Expense	\$80,000
680200-710872	Golf Course – Food Purchase	\$30,000

05-695 OVERVIEW – 73RD LEGISLATIVE AND 22ND SPECIAL LEGISLATIVE SESSIONS – MANAGEMENT SERVICES

Katy Singlaub, County Manager, said an overview had been provided on the issues that affected the County, and she said staff would be back with a subsequent report on all of the Legislative Bills in July.

Commissioner Galloway asked for an update on what findings must be made to establish new redevelopment areas under the law passed.

05-696 LEASE AGREEMENT – INCLINE VILLAGE JUSTICE COURT – EDWARD F. AND CAROL JEAN NEWMAN – PUBLIC WORKS

In response to Commissioner Sferrazza, Tom Gadd, Public Works Director, said the lease could be modified without penalty if less space was required after the relocation of Building and Safety and the Assessor’s Office.

Upon recommendation of Mike Turner, Facilities Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, it was ordered that the 60 Month Lease Agreement between Washoe County and Edward F. and Carol Jean Newman, concerning the continued operation of the Incline Village Justice Court and associated offices for the period of July 1, 2005 through June 30, 2010, be approved. It was noted the annual lease expense is \$111,783.

05-697 AGREEMENT AMENDMENT – DISTRICT ATTORNEY’S OFFICE SPACE – LIBERTY WEST HOLDINGS, LLC – PUBLIC WORKS

Upon recommendation of Mike Turner, Facilities Management Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, it was ordered that the amendment to the agreement between Washoe County and Liberty West Holdings, LLC, concerning the continued occupancy of the District Attorney’s Office space on the second and third floors at 50 W. Liberty during the period of July 1, 2005 through February 28, 2006, be approved. It was noted the annual lease expense would not exceed \$341,967.

**RESOLUTION – TRANSFER 0.66 ACRES NEAR DAVIS CREEK
ROAD – STATE OF NEVADA – EXTENSION OF INTERSTATE
580 – PUBLIC WORKS**

Upon recommendation of David Price, County Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, it was ordered that the following resolution be adopted and Chairman Weber be authorized to execute the same. It was further ordered that a public hearing be set for July 12, 2005 at 5:30 p.m. to hear objections and other matters properly related thereto. It was also ordered that the Clerk publish a notice of public hearing.

RESOLUTION

A RESOLUTION DECLARING WASHOE COUNTY'S INTENT TO TRANSFER A PORTION OF DAVIS CREEK PARK ROAD (APPROXIMATELY 0.66 ACRES OF COUNTY PROPERTY) IN WEST WASHOE VALLEY TO THE STATE OF NEVADA NECESSARY FOR THE EXTENSION OF INTERSTATE 580 IN RETURN FOR AN EXCHANGE OF A NEARBY PARCEL OF EQUAL VALUE, CREATING AN EASEMENT OVER ADJACENT COUNTY PROPERTY FOR SIMILAR PUBLIC HIGHWAY PURPOSES AND SETTING A DATE FOR A HEARING AT WHICH OBJECTIONS CAN BE HEARD AND OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, Washoe County owns a certain parcel of real property in Washoe County at the intersection of Davis Creek Road and Franktown Road in West Washoe Valley which parcel when created was specifically described as Parcel 1 of Parcel Map 749 recorded on December 13, 1978 and which is shown on the attached Exhibit A, (hereinafter referred to as "County Parcel");

WHEREAS, in 1968 through eminent domain (Case No. 237780, complaint filed July 11, 1967) Washoe County acquired a 1.4-acre parcel in West Washoe Valley to be used as a road which parcel is presently a portion of Davis Creek Road more specifically described on the attached Exhibit B;

WHEREAS, in accordance with Chapter 408 of the Nevada Revised Statutes, the State of Nevada Department of Transportation ("NDOT") is expanding and improving Interstate 580 for the benefit of Washoe County, the State and the traveling public (the "Project");

WHEREAS, the NDOT has prepared the Public Highway Agreement attached as Exhibit C, which contains legal descriptions and has prepared a set of right of way plans attached as Exhibit D ("Right of Way Plans"), which plans, depict several state parcels;

WHEREAS, the NDOT desires to obtain from Washoe County approximately 28,853 square feet of Davis Creek Road which is particularly described in paragraph 1(a) of the Right of Way Plans and depicted as parcel 007.166 on the Right of Way Plans ("Parcel 007.166");

WHEREAS, the NDOT desires to obtain from Washoe County a permanent slope easement over approximately 2,342 square foot portion of the County Parcel more particularly described in paragraph 1(b) of the Public Highway Agreement and depicted as Parcel 007.168E on the Right of Way Plans ("Parcel 007.168E");

WHEREAS, pursuant to the Public Highway Agreement, Parcel 007.166 and Parcel 007.168E will be used after the transfer from the county for the reconstruction and maintenance of Davis Creek Road as a public access to Davis Creek Park which use constitutes a public purpose;

WHEREAS, NDOT is the owner of a parcel of property near Parcel 007.166 and Parcel 007.168E (State Parcel U-395-WA-006.893) which is an environmentally sensitive and an avoidance area for the Project and NDOT is willing to convey to Washoe County as much of the state's parcel as is equal to the value of the county's parcel (or as much more of the state parcel as the county is willing to purchase);

WHEREAS, NRS 277.053 provides that one public entity may convey real property to another public entity without charge if the property is to be used for a public purpose; and

WHEREAS, NRS 277.050 provides that before ordering the conveyance of any such property, the governing body of a public agency shall, in a regular open meeting, by a majority vote of its members, adopt a resolution declaring its intention to convey the property and set a date not less than 2 weeks later than the declaration of the intent to convey the property;

NOW THEREFORE be it hereby resolved by the Washoe County Board of County Commissioners as follows:

1. The Board of County Commissioners (the "Board") of Washoe County hereby declares its intent to convey to NDOT all the interests the county has in Parcel 007.166 and an permanent slope easement over Parcel 007.168E, and to acquire all or part of State Parcel U-395-WA-006.893 as defined above.

2. The conveyance could be made without the payment by NDOT to Washoe County of money, rent or other consideration because the property to be transferred will be used for the Project and will continue to serve a public purpose.

3. Notwithstanding paragraph 2, above, the NDOT has agreed to sell or exchange a portion of its parcel (U-395-WA-006.893) to Washoe County using the

value of Washoe County's parcels to offset the value of the state's parcel in the manner described in the draft public highway agreement attached hereto as Exhibit C and Board directs that a final draft of the public highway agreement with terms consistent with this resolution be prepared for the Board's consideration on July 12, 2005.

4. The Board hereby fixes July 12, 2005 (or such later date as the Board may specify at its meeting of March 8, 2004) as the date for a public meeting at which objections to the transfer may be made by the electors.

5. The Washoe County Clerk is hereby directed to publish in a newspaper of general circulation published in the county a notice of the adoption of this resolution and announcing the July 12, 2005 meeting at which objections can be heard not less than twice, on successive days, the last publication to be not less than 7 days before the date of the public meeting to be held July 12, 2005 or such later date as the Board may establish.

05-699 RESOLUTION – ESTABLISHING REGIONAL ANIMAL SERVICES FEE SCHEDULE IN UNINCORPORATED AREAS, CITIES OF RENO AND SPARKS – PUBLIC WORKS

Commissioner Galloway said he felt the fee increase for animals that were not neutered was justified because people need to be encouraged to neuter their animals.

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, it was ordered that the following resolution be adopted and Chairman Weber be authorized to execute the same:

RESOLUTION

WHEREAS, effective July 1, 2005, Washoe County will be responsible for providing regional animal services including both field enforcement and shelter operations in designated congested areas of unincorporated Washoe County and the incorporated Cities of Reno and Sparks;

WHEREAS, Washoe County Code Section 55.020 provides for the establishment of an animal services center under the Board of County Commissioners for the functions thereof including the receipt, impoundment, care and disposal of animals;

WHEREAS, Washoe County Code Section 55.090 2 provides that all fees required to be paid pursuant to the provisions set forth therein shall be set from time to time by the Board of County Commissioners;

WHEREAS, Washoe County Code Section 55.485 provides for charging owners or persons having the care, custody or possession of animals impounded pursuant

to Chapter 55 for all costs and maintenance incurred by the animal services center, including special assessments;

WHEREAS, Washoe County Code Sections 55.340 2; 55.340 3; 55.360 1; 55.400 1(c); 55.400 2(c); 55.440 1, 55.440 2, 55.485 1(a), 55.500 2, 55.500 3, 55.500 4, 55.510 2, 55.560, 55.600, 55.610 8(a), 55.610 11, 55.630, 55.640 5, 55.650 4; 55.660 9, 55.740 3, 55.740 6 and 55.760 4 provides for fees to be established for dog license penalty (failure to license within 30 days of expiration); dog license; duplicate dog license; kennel/cattery permit application; kennel/cattery permit fees; maintenance and other costs incurred by the animal services center including special assessments; redemption fees; impound fees; cost of care and medical treatment; sterilization fees; livestock redemption; rabies vaccination; quarantine fees; cost of confinement, veterinary care and examination; exotic animal permit application; and dangerous dog registration; now, therefore be it

RESOLVED that the Fee Schedule for Animal Services established in Section 55.090 2 of the Washoe County Code, and in accordance with Washoe County Code Sections 55.340 2; 55.340 3; 55.360 1; 55.400 1(c); 55.400 2(c); 55.440 1, 55.440 2, 55.485 1(a), 55.500 2, 55.500 3, 55.500 4, 55.510 2, 55.560, 55.600, 55.610 8(a), 55.610 11, 55.630, 55.640 5, 55.650 4; 55.660 9, 55.740 3, 55.740 6 and 55.760 4 shall be effective July 1, 2005 and upon approval of this Resolution by the Board of County Commissioners.

05-700 ORDINANCE NO. 1270 – BILL NO. 1449 – AMENDING WCC
CHAPTER 100 – REDUCING BUILDING PERMIT FEES –
GROUND SNOW LOADS – BUILDING AND SAFETY

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on June 17, 2005 to consider second reading and adoption of Bill No. 1449. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, Chairman Weber ordered that Ordinance No. 1270, Bill No. 1449, entitled, “**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REDUCING THE BUILDING PERMIT FEES, CHANGES TO GROUND SNOW LOADS AND OTHER MATTERS PROPERLY RELATING THERETO,**” be approved, adopted and published in accordance with NRS 244.100.

05-701

APPEAL CASE NO. AX05-004 – NEW HORIZONS SUBDIVISION
– TENTATIVE SUBDIVISION MAP CASE NO. TM05-006 –
COMMUNITY DEVELOPMENT

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 June 17, 2005 concerning Appeal Case Number AX05-004 to consider the appeal of the Planning Commission's conditional approval of Tentative Subdivision Map Case No. TM05-006 for the New Horizons Subdivision. The project site is located at the southwest corner of the intersection of Seneca Drive and Chippewa Avenue, south of Highway 395. The subject parcel, totaling ±7.86 acres, is designated Medium Density Suburban (MDS) in the North Valleys Area Plan and is situated within the Reno Stead Corridor Joint Plan. The property is situated in a portion of Section 17, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the North Valleys Citizen Advisory Board boundary and Washoe County Commission District No. 5 (APN: 082-225-10).

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the appeal.

Sandra Dutton, Community Development Planner, discussed the Planning Commission's decision and the basis for that decision. She described the project, its location, adjacent properties, the area's zoning history, current zoning, and adjacency standards.

In response to Chairman Weber, Ms. Dutton said taking some area from lot 14 could widen lot 13, but the density matches the existing MDS. She spoke about the buffer between the proposed and existing developments.

Ms. Dutton discussed the conditions set by Water Resources and the Fire Department. She read the comments received from Water Resources, which were placed on file with the Clerk, stating the Department had no concerns about fire storage, sewer main capacity, or treatment plant capacity for the proposed 19 lots. Ms. Dutton said the City of Reno Fire Department and County engineers stated the development does not require secondary emergency fire access according to the 1,500-foot cul-de-sac rule.

Ms. Dutton denied rumors that staff was trying to change zoning to take away horse property rights, stating Code allows horses on .50 acres or more. She addressed which adjacent parcels could have horses. She said horses in Horizon Hills fall under the legal non-conforming category and she described that category.

Ms. Dutton said the Planning Commission and staff had made all mandated findings, and staff could see no reason why the Planning Commission's decision should not be upheld. She said all of the reviewing agencies had commented on and conditioned this project, which was nothing out of the ordinary.

Local residents Candra Drumm, Martin Drumm, Wes Herbst, Peter Wigand, Gary Ferro, and June Ferro, spoke about the concerns that led to the filing of the appeal opposing the New Horizons subdivision.

David Morton, Reno Housing Authority, said the development was originally to be affordable housing for low-income individuals that were ready to become homeowners. He said the cost to make the housing affordable would have been too great so other options were looked at with the final decision being to build the development as regular housing. Mr. Morton stated the proceeds would be used to help a much larger number of people become homeowners. He said there was a lot of support for this plan, and he believed the project fully complied with all established standards. He requested the Commissioners reconfirm the Planning Commission's approval.

Frank Bidart, Odyssey Engineering, said they have worked with staff throughout this project, and it conforms to all Code issues. He stated the Reno Housing Authority was not asking for any variances for this project.

Margaret Henry, local resident, said this is a good project. She spoke about the plans of Reno Housing Authority for the development and the quality of the proposed homes. She said any legal issues against the project should be stated so the Reno Housing Authority could come into compliance.

Robert Misciagna, Cari Lockett, Penny Jackman, Sandra Benson, Mary Jo Kivi, Monique Herbst, Julie Freemyer, Sam Monteleone, Sue Rudolph, Alta Thomason, and Lee Pearson spoke for the appeal citing concerns that included difficulties evacuating in case of fire, water availability, lack of notice to the entire subdivision, and the number of houses being built.

Chairman Weber read the public comment cards supporting the appeal from Earl Walling, Jr., Jeff Taylor, Mindy Bell, Joe Benson, Jay Gibbs, Mary Ann Vicknair, Jo Erwin, LeMoine and Sharon Schick, August Thomason, Mary Toleno, Billy Askins, Katherine Campbell, Edward Campbell, and Ray Kivi.

The Chairman closed the public hearing.

In response to Commissioner Galloway, Ms. Dutton said the project did not trigger a traffic analysis. Commissioner Galloway asked what number needed to be met to use the 1,500-foot rule if there were a traffic analysis. Ms. Dutton replied the 1,500-foot rule applied to fire and emergency access. Commissioner Galloway said that Mr. Ferro had alleged the 1,500-foot rule had a traffic volume component.

Sharon Kvas, Community Development Planning Manager, replied the standard for a cul-de-sac is the 1,500-foot rule for the County; it cannot have more than 30 lots; and the 300 average daily trips (ADT's) relates to 30 lots. She said this subdivision meets those requirements.

In response to Commissioner Galloway, Ron McHenry, Water Resources Sr. Engineer, said the water storage tank was 350,000 gallons; and 300,000 gallons were set aside for fire storage. He said the 50,000 gallons was enough to serve the existing development, the proposed development, and existing loads for Smith's market and Jackson Food Store. He said the Smith's market triggered the 300,000 gallons of fire storage, while only 120,000 gallons is required for a single-family residence. He affirmed the fire storage greatly exceeds the requirements for a subdivision.

Commissioner Humke asked what laws applied because there was a concern about the way the School District sold the property to the Reno Housing Authority. Mr. Morton replied the School Board's attorneys reviewed the sale; and, based on an appraisal, set the price, which they determined was fair and appropriate under their existing regulations.

Commissioner Sferrazza discussed his understanding of edge matching as part of the negotiated settlement. He asked how less than a half-acre could be next to a half acre, and said he understood any lot greater than one acre would be matched by a lot of at least one acre. Ms. Dutton read the Code and said it does not mention more than one acre matching.

Ms. Kvas said the County and the Cities of Reno and Sparks adopted the following language: "The minimum lot size identified in the land use designation of the immediately adjacent developed subdivision shall be maintained at the edge of the proposed subdivision." She said the language says MDS to MDS. Commissioner Sferrazza protested that was not what was meant, and Ms. Kvas replied this was what ended up in the Code. She said the Code needed to be changed if there was an issue. Commissioner Sferrazza said the Code was correct, but he believed two different things were being discussed.

Ms. Dutton said the Code refers to the minimum lot size within that regulatory zone. Commissioner Sferrazza said that was not what was intended. In response to Ms. Kvas identifying the lot sizes with some being under a half-acre, Commissioner Sferrazza asked what the minimum lot size was in the proposed subdivision. Ms. Dutton replied it was a minimum of 12,000 square feet.

Commissioner Sferrazza said he disagreed with the interpretation of the Code. He said he believed it should be the minimum adjacent lot size not the minimum permitted lot size. Ms. Kvas said she understood Commissioner Sferrazza's point.

Chairman Weber disclosed Mr. Morton had contacted her, but she did not return his call. She said she had visited the site. In response to Chairman Weber, Mr. Morton said they have owned the property for several years.

In response to Chairman Weber, Ms. Kvas reiterated the Engineering Department and the Fire Department determined no secondary access was needed for the planned subdivision because there are two ways in and out not more than 1,500 feet

away. Ms. Dutton stated she could not assume the property owners knew anything about plans for the property until the subdivision was brought before the Planning Commission, but it was zoned for residential uses. She said it was presumed a school would be built since the School District previously owned the property.

In response to Commissioner Galloway, Ms. Dutton said the way out was by Seneca Drive east to Virginia Street. Commissioner Galloway asked how it could be a cul-de-sac if only one street went out to Highway 395 and what changes the safety standards. He said the whole area is out of compliance if the whole area is considered a cul-de-sac and there should be no additional subdivision or zoning changes until it is brought into compliance. Ms. Kvas replied 1,500 feet from Seneca Drive and South Virginia is in the current standard. Commissioner Galloway said the standard was the combination of 1,500 feet and less than 300 ADT's so the whole thing is considered a cul-de-sac. Ms. Kvas agreed it meets the current standard for access, but it would not be approved today.

Commissioner Galloway said when he met with Mr. Morton he said he did not see a clear disapproval of the subdivision; but, if he received new information, he would have to consider it. He said the new information he was getting was there were more than 300 ADT's and the whole thing is a cul-de-sac. Ms. Kvas reminded him that this was not a Comprehensive Plan Amendment change. Commissioner Galloway said it bears on whether there should be an additional condition on the subdivision. Ms. Kvas said they would not come before the Board with a recommendation of approval if this were general rural and requesting to be up zoned, but this application utilizes the existing zoning on the property. Commissioner Galloway stated necessary conditions have to be met to bring this subdivision into compliance.

Commissioner Galloway discussed the edge-matching ordinance and said the Board should take another look at it, but he did not find the subdivision non-compliant under the adopted wording; and people have a right to rely on the Code. However, he felt the people had a right to rely on the Code regarding secondary access. He said the Board could uphold the project and deny the appeal, but only on the basis of an additional condition requiring the development to add a secondary access road as part of the subdivision map.

Commissioner Sferrazza reiterated the language as adopted does not support what he negotiated. He stated even under the existing language, the immediately adjacent subdivision had a land use designation of E-1. He believed the original zoning on the property would have to be used. He said during previous discussions he had not favored any development in the County being less than one acre or less than a third acre if it is on a public water system. He said in this case he has a problem approving lot sizes of less than 15,000 square feet as provided by E-1, which was the land use designation of the immediately adjacent developed subdivision at the time it was developed.

Commissioner Humke inquired about the drainage plan, which had been criticized because of mosquito concerns. Mr. Bidart replied there would be a bally gutter

placed in the bottom of the detention basin to help perpetuate the flow so ponding would not occur. Commissioner Humke disclosed he had talked with Mr. Morton and that he no longer had a personal services contract with the Reno Housing Authority as he had in 2001-2002 for a six-month period.

Commissioner Galloway asked who was responsible for maintaining the detention basin; and Ms. Kvas responded the Homeowner's Association could maintain it, or there was an opportunity to join in the County's Drainage Improvement District. Commissioner Galloway asked if that could be a condition. Ms. Kvas replied a condition like that could be crafted.

In response to Commissioner Galloway, Melanie Foster, Legal Counsel, informed the Board they could deny the appeal if the two conditions were included as part of the motion.

Commissioner Humke asked if the finding was being made that took the 175 existing homes and the 19 new homes and considered them a cul-de-sac. Commissioner Galloway said that was his intention. Commissioner Humke asked if that was a retrograde condition being placed on the existing homes. Commissioner Galloway said the reasoning could be deleted.

Ms. Foster advised the Board should identify which findings they could not make. She said Ms. Kvas had explained it was the Planning Commission's opinion that the project site falls within the allowable number of feet meeting the conditions set by the Fire Department. Ms. Foster pointed out to the Board that they were asking this subdivision to bear the cost of the secondary access road to benefit not only their construction, but also that of a number of other neighbors.

Commissioner Galloway said the motion would not state who would pay for the secondary access road, only that it would be a condition on the new subdivision. He said he believed, if the easement could be obtained, it would only be a gravel road, but he could not do otherwise because he could not make the required Findings Nos. 2 and 6.

Commissioner Humke asked if an additional condition regarding lot 13 could be added while maintaining the integrity of both lots. He said the map indicates lot 13 does not use the cul-de-sac but uses Maxfield Drive.

Commissioner Galloway proposed another condition to meet compatibility requirements under Finding No. 2 that Lot 13 and the adjacent lot be modified as reasonable to create a more rectangular pattern. Commissioner Humke agreed but requested someone from the Fire Department comment.

David Mills, City of Reno Fire Department, said this is an unusual situation that has existed since the early 1970's where an area of roughly 170 homes had only one point of access. He said this is not an ideal situation from a fire standpoint and

the Fire Department struggled with its decision on what to do. He said the Fire Department decided not to impose a secondary access based on a small number of homes. Mr. Mills said the Department would recommend working with the County to get secondary access in any neighboring developments that go in. He said in principle the secondary access is a good idea, but he was not sure how it would be achieved. He said there was ample water, and they had received agreement from the developer on making some minor changes internally to the subdivision that will help the homeowners moving into the new development.

Commissioner Galloway commented he was worried about the County's liability and the subdivision should be brought into compliance. He said with an approved subdivision, Mr. Morton could go to the developers of neighboring properties and possibly cost share an access road.

Commissioner Sferrazza said he would not support the motion because lots 11 and 18 do not edge match to existing lots, and edge matching should be required in this subdivision. He requested the ordinance come back to the Board for change along with the MDS being modified to a 15,000-foot minimum lot size.

Chairman Weber said she supports the motion even though the project is not perfect. Commissioner Humke agreed this is a difficult project and the condition for secondary access is not unreasonable under the circumstances.

Having made the following findings, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent and Commissioner Sferrazza voting "no," it was ordered that the appeal be denied and the Washoe County Planning Commissioners' conditional approval of Tentative Subdivision Map Case No. TM05-006 be upheld with the following conditions because Findings Nos. 2 and 6 were not met:

1. Development of a secondary access road. See Condition No. 54.
2. Maintenance of the subdivision's detention basin be managed by the Homeowner's Association or by approval of a Storm Water Maintenance District as provided for in County Code for the properties in the new subdivision. See Condition No. 55.
3. Lot 13 and the adjacent lot be modified as reasonable to create a more rectangular pattern. See Condition No. 56.

FINDINGS:

1. Plan Consistency. That the proposed map is consistent with the Comprehensive Plan and the North Valleys Area Plan;

2. Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Comprehensive Plan and the North Valleys Area Plan;
3. Type of Development. That the site is physically suited for the 19-lot infill subdivision proposed;
4. Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System and will be served by community water and sewer;
5. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
6. Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
7. Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed;
8. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency;
9. Dedications. That any land or improvements to be dedicated to the County is consistent with the Comprehensive Plan;
10. Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision; and
11. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting, and;
12. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the County Commission from the Washoe County Planning Commission, and the information received during the Washoe County Commission public hearing.

STANDARD CONSIDERATIONS FOR SUBDIVISIONS

Nevada Revised Statutes 278.349

Pursuant to NRS 278.349, when contemplating action on a tentative subdivision map, the governing body, or the planning commission if it is authorized to take final action on a tentative map, shall consider:

- (a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;
- (c) The availability and accessibility of utilities;
- (d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;
- (e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
- (f) General conformity with the governing body's master plan of streets and highways;
- (g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
- (h) Physical characteristics of the land such as floodplain, slope and soil;
- (i) The recommendations and comments of those entities reviewing the tentative map pursuant to [NRS 278.330](#) to [278.348](#), inclusive; and
- (j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.

**CONDITIONS FOR
NEW HORIZONS
TENTATIVE SUBDIVISION MAP CASE NO. TM05-006
(As approved by the Washoe County Commission on June 28, 2005)**

THE TENTATIVE MAP APPROVAL ALLOWS THE SUBDIVIDER TO PROCEED WITH FULFILLING THE CONDITIONS OF APPROVAL AND RECORD A FINAL MAP FOR ALL, OR PORTIONS OF, THE DEVELOPMENT WITHIN TWO (2) YEARS FROM THE DATE OF THE PLANNING COMMISSION ACTION. FAILURE TO RECORD THE FIRST FINAL MAP WITHIN TWO (2) YEARS OF THE PLANNING COMMISSION ACTION, OR FAILURE TO RECORD THE LATEST MAP IN A SERIES WITHIN ONE (1) YEAR AFTER THE DATE OF THE MOST RECENTLY RECORDED MAP, SHALL TERMINATE ALL PROCEEDINGS CONCERNING THE SUBDIVISION.

UNLESS OTHERWISE STATED, PRIOR TO FINALIZATION OF ANY PORTION OF THE TENTATIVE SUBDIVISION MAP, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES TO ENSURE COMPLETION OF THE CONDITIONS MUST BE PROVIDED. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES.

A COPY OF ALL AGREEMENTS, EASEMENTS OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE DEPARTMENT OF PUBLIC WORKS AND/OR THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

THE DEVELOPER SHALL MEET WITH THE ENGINEERING DIVISION, DEPARTMENT OF WATER RESOURCES AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT STAFF AT LEAST SIXTY (60) DAYS BEFORE THE ANTICIPATED DATE OF THE FINAL MAP RECORDATION TO REVIEW SCHEDULING, REQUIREMENTS, FINAL CONSTRUCTION DRAWINGS, AND DOCUMENTATION NECESSARY TO ADEQUATELY COMPLY WITH THE CONDITIONS OF APPROVAL AND THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES.

REQUESTS FOR EXTENSION OF TIME FOR SUBSEQUENT FINAL MAPS MUST BE SUBMITTED TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT AT LEAST SIXTY (60) DAYS PRIOR TO THE EXPIRATION DATE OF THE TENTATIVE SUBDIVISION MAP.

COMPLIANCE WITH THE APPLICABLE STATUTES, ORDINANCES, RULES, REGULATIONS AND POLICIES AND WITH THE CONDITIONS OF APPROVAL OF THIS TENTATIVE MAP IS THE RESPONSIBILITY OF THE DEVELOPER, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES AND OCCUPANTS OF THE PROPERTY, AND THEIR SUCCESSORS IN INTEREST.

A COPY OF THE FINAL ORDER FOR THE APPROVAL OF THE TENTATIVE MAP SHALL BE ATTACHED TO ALL PHASES/UNITS SUBMITTALS FOR FINAL MAP REVIEW SIXTY (60) DAYS PRIOR TO RECORDATION.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, “MAY” IS PERMISSIVE AND “SHALL” OR “MUST” IS MANDATORY.

GENERAL CONDITIONS

1. The subdivision shall be in substantial compliance with the provisions of Washoe County Development Code Article 604, Design Requirements, and Article 608, Tentative Subdivision Maps.

Regulatory Zone for Review Purposes	Common Open Space Development MDS (Max. 3 unit/acre)
Minimum Lot Area Required	12,000 square feet
Minimum Lot Width	80-feet
Minimum Front Yard	20-feet
Minimum Side Yard	8-feet
Minimum Rear Yard	20-feet
Maximum Building Height	35 feet / 2 story maximum

Note: Variances to these standards may be processed per Washoe County Code.

The Department of Community Development shall determine compliance with this condition.

2. Final maps and final construction drawings shall comply with all applicable statutes, ordinances, rules, regulations and policies in effect at the time of submittal of the tentative map or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the final map. The Engineering Division shall determine compliance with this condition.
3. The subdivider shall present to Washoe County, a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved, or one of a series of final maps, each covering a portion of the approved tentative map, within two years after the date of approval of the tentative map or within one year of the date of approval for subsequent final maps. On subsequent final maps, that date may be extended by one year if the extension request is received prior to the expiration date. Final maps shall be in

substantial compliance with all plans and documents submitted with and made part of this tentative map request, as may be amended by action of the final approving authority. Substantial compliance shall be determined by the applicable agency and the Department of Community Development.

4. Prior to acceptance of public improvements and release of any financial assurances, the developer shall furnish to the water and sewer provider and Engineering Division a complete set of reproducible as-built construction drawings prepared by a civil engineer registered in the State of Nevada. The Engineering Division shall determine compliance with this condition.
5. The developer shall be required to participate in any applicable General Improvement District or Special Assessment District formed by Washoe County. The applicable County Department shall determine compliance with this condition.
6. A note shall be placed on all grading plans and construction drawings stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

7. The developer and all successors shall direct any potential purchaser of the site to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site. Any subsequent purchasers of the site shall notify the Department of Community Development of the name, address, telephone number and contact person of the new purchaser within thirty (30) days of the final sale.

GENERAL ENGINEERING CONDITIONS

8. The developer shall provide written approval from the U.S. Postal Service concerning the installation and type of mail delivery facilities. The system, other than individual mailboxes, must be shown on the project construction plans and installed as part of the onsite improvements. The County Engineer shall determine compliance with this condition.
9. A complete set of construction improvement drawings, including an onsite grading plan, shall be submitted to the County Engineer for approval prior to finalization of any portion of the tentative map. Grading shall comply with best management practices (BMPs) and shall include detailed plans for grading and drainage on each lot, erosion control (including BMP locations and installation

details), slope stabilization and mosquito abatement. Placement or disposal of any excavated material shall be indicated on the grading plan. The Engineering Division shall determine compliance with this condition.

10. Any existing easements or utilities that conflict with the development shall be relocated, quitclaimed, and/or abandoned, as appropriate. The County Engineer shall determine compliance with this condition.
11. Any easement documents recorded for the project shall include an exhibit map that shows the location and limits of the easement in relationship to the project. The County Engineer shall determine compliance with this condition.
12. Prior to the approval of an affected final map, provide written approval from the affected utility companies for any fill placed beneath the existing overhead utility lines or any cuts adjacent to the existing utility poles. The County Engineer shall determine compliance with this condition.

ENGINEERING DRAINAGE CONDITIONS (County Code 110.420)

13. The conditional approval of this tentative map shall not be constructed as final approval of the drainage facilities shown on the tentative map. Final approval of the drainage facilities will occur during the final map review and will be based upon the final hydrology report. The Engineering Division shall determine compliance with this condition.
14. Prior to the finalization of the first final map, a master hydrology/hydraulic report and a master storm drainage plan shall be submitted to the County Engineer for approval. The Engineering Division shall determine compliance with this condition.
15. Any increase in stormwater runoff resulting from the development and based on the 5- and 100-year storms shall be detained. The County Engineer shall determine compliance with this condition.
16. The 100-year floodplain boundaries and flood elevations shall appear on each final map. If the floodplain boundary has been conditionally changed by a Federal Emergency Management Agency (FEMA) Conditional Letter of Map Amendment or Conditional Letter of Map Revision, the date of that letter and a note to that effect shall appear on the final map. The County Engineer shall determine compliance with this condition.
17. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures, and grouted rock riprap shall be used to prevent erosion at the inlets and outlets of all culverts to the satisfaction of the Engineering Division. The Engineering Division shall determine compliance with this condition.
18. The developer shall provide pretreatment for petrochemicals and silt for all storm

drainage leaving the site to the satisfaction of the Engineering Division. The County Engineer shall determine compliance with this condition.

19. The Truckee Meadows Regional Stormwater Quality Management Program Construction Permit Submittal Checklist and Inspection Fee shall be submitted with each final map. The County Engineer shall determine compliance with this condition.
20. The maximum permissible flow velocity (that which does not cause scour) shall be determined for all proposed channels and open ditches. The determination shall be based on a geotechnical analysis of the channel soil, proposed channel lining and channel cross section, and it shall be in accordance with acceptable engineering publications/calculations. Appropriate linings shall be provided for all proposed channels and open ditches such that the 100-year flows do not exceed the maximum permissible flow velocity. The County Engineer shall determine compliance with this condition.
21. The hydrology report for each phase shall include sizing the driveway culverts for the phase such that they will pass the onsite 100-year flow. The driveway culvert sizes shall be identified on the improvement plans for each phase. The County Engineer shall determine compliance with this condition.
22. The capacity of the existing onsite roadside ditch shall be analyzed to verify that it has capacity to carry the 100-year flow. If the existing ditch cannot carry the 100-year flow, it shall be improved to carry the 100-year flow with each affected final map. The County Engineer shall determine compliance with this condition.
23. Improved maintenance access shall be provided to the bottom of the detention pond. The County Engineer shall determine compliance with this condition.
24. In order for Washoe County to maintain the detention pond, the pond bottom shall be constructed of 6" thick concrete with a low flow channel. The County Engineer shall determine compliance with this condition.
25. A subdrain shall be installed along the back of the retaining wall located adjacent to the detention pond, and the subdrain shall drain to the detention pond. The County Engineer shall determine compliance with this condition.
26. Prior to approval of the detention pond, a geotechnical report shall be submitted for the design of the retaining wall located adjacent to the pond. The design shall address the impact of the 2:1 slope immediately below the wall and the impact of the pond's 100-year water surface elevation on the wall. The County Engineer shall determine compliance with this condition.
27. The existing corrugated metal pipe that drains the detention pond shall be replaced with reinforced concrete pipe or lined with plastic pipe to bring it into compliance with current County standards. The County Engineer shall determine compliance with this condition.

ENGINEERING-TRAFFIC AND ROADWAY (County Code 110.436)

28. All roadway improvements necessary to serve the project shall be designed and constructed to County standards and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
29. Street names shall be reviewed and approved by the Regional Street Naming Coordinator. The Engineering Division shall determine compliance with this condition.
30. A note on each affected final map shall state that no direct access from individual lots shall be allowed onto Seneca Drive. The Engineering Division shall determine compliance with this condition. This note shall also be included in the CC&Rs to the satisfaction of the District Attorney's Office.
31. Streetlights shall be constructed to Washoe County standards at locations to be determined at the final design stage. The Engineering Division shall determine compliance with this condition.
32. AASHTO clear zones shall be determined for all streets adjacent to retaining walls or slopes steeper than 3:1. If a recoverable or traversable clear zone cannot be provided, an analysis to determine if barriers are warranted shall be submitted for approval. The County Engineer shall determine compliance with this condition.
33. All retaining walls that are adjacent to, provide support for or retain soil from the County right-of-way shall be constructed of reinforced masonry block or reinforced concrete and designed by an engineer licensed in the State of Nevada. The County Engineer shall determine compliance with this condition.
34. For any utilities placed in existing County streets, the streets shall be repaired to the satisfaction of the County Engineer. At a minimum, this will require full depth removal and replacement of asphalt for half the street width, or replacement of non-woven pavement reinforcing fabric with a 2" asphalt overlay for half the street width. Type II slurry seal is required for the entire street width with either option. Full width street improvements may be required if the proposed utility location is too close to the centerline of the existing street. Full width street improvements are required on Chippewa Avenue along the project boundary due to the numerous proposed street cuts for utility services. The County Engineer shall determine compliance with this condition.

WATER AND SEWER

35. The dedication of water rights shall be in accordance with Article 422, the North Valleys Area Plan. Water rights must be in good standing with the State of Nevada Division of Water Resources and the point of diversion, place and manner of use must be acceptable to the Department of Water Resources (DWR). The

DWR shall determine compliance with this condition.

36. Fee for improvement plan checking and construction inspection shall be in accordance with Washoe County Ordinance and paid prior to the approval of each final map. The DWR shall determine compliance with this condition.
37. Improvement plans shall be in compliance with Washoe County Design Standards. The Developer shall submit plans and specifications for the water supply distribution and the sewage collection systems to the DWR for review and approval prior to the recordation of each final subdivision map. The DWR shall determine compliance with this condition.
38. The applicant shall submit an electronic copy of the street and lot layout and a hard copy of the grading plans for each final map at initial submittal time. The DWR shall determine compliance with this condition.
39. The developer shall construct and/or provide the financial assurance for the construction water distribution and sanitary sewer collection systems prior to approval of final map. The financial assurance must be in a form and amount acceptable to the DWR. The DWR shall determine compliance with this condition.
40. DWR approved improvement plans shall be used for the construction of the water distribution and sanitary sewer collection systems. The DWR will be responsible to inspect the construction of the water distribution and sanitary sewer collection systems, or appurtenant facilities. The DWR shall determine compliance with this condition.
41. In accordance with the applicable ordinances, all sewer and water service connection fees shall be paid prior to the recordation of each final map. The DWR shall determine compliance with this condition.
42. A master sanitary sewer report for the entire tentative map shall be prepared and submitted by the applicant's engineer, prior to approval of the first final map, which addresses:
 - a. the estimated sewage flows generated by this project.
 - b. projected sewage flows from potential or existing development within tributary areas.
 - c. the impact on capacity of existing infrastructure.
 - d. slope of pipe, invert elevation and rim elevation for all manholes, and
 - e. proposed collection line sizes, on-site and off-site alignment, and half-full velocities.

The DWR shall determine compliance with this condition.

43. No Certificates of Occupancy will be issued until all potable water and sanitary sewer facilities necessary to serve each final map have been completed and accepted for operation and maintenance by the DWR. The DWR shall determine compliance with this condition.
44. The developer's engineer shall submit a plan or letter from the appropriate fire agency identifying the approved fire hydrant locations and indicating the fire flow and duration required for each final map. This information must accompany the water system improvement plans when submitted for initial review. The DWR shall determine compliance with this condition.
45. No structures (including retaining or rockery walls, buildings, etc.) shall be allowed within or upon any County maintained utility easements. The DWR shall determine compliance with this condition.

CONDITIONS, COVENANTS AND RESTRICTIONS

46. Conditions, covenants, and restrictions (CC&Rs), including any supplemental CC&Rs, shall be reviewed and approved by the District Attorney's office. The final CC&Rs shall be signed and notarized by the owner(s) and submitted to the Community Development Department with the recordation fee prior to the recordation of the final map. The CC&Rs shall require all phases and units of the subdivision approved under this tentative map to be subject to the same CC&Rs. Washoe County shall be made a party to the applicable provisions of the CC&Rs to the satisfaction of the District Attorney's Office. Said CC&Rs shall specifically address the potential for liens against the properties and the individual property owners' responsibilities for the funding of maintenance, replacement, and perpetuation of the following items, at a minimum:
 - a. Mandatory solid waste collection;
 - b. The availability of a curbside recycling program;
 - c. Fence material, height, and location limitations. Fencing of individual lot lines;
 - d. Maintenance and funding of detention basins and drainage facilities;
 - e. Passive or natural heating or cooling opportunities; and
 - f. Maintenance of fire fuel breaks and vegetation mitigation/controls.
 - g. Disclosure statement that all landscaping in the front yard shall be drought tolerant. See page 11 of Staff Report dated April 26, 2005.

FIRE SAFETY

47. Water for fire protection meeting both duration and flow as outlined in Chapter 60 of the Washoe County Code shall be provided. Fire hydrant locations shall be submitted for approval to the Reno Fire Department prior to installation. The Reno Fire Department shall determine compliance with this condition.
48. Fire Department access and emergency vehicle access meeting Chapter 60 of the Washoe County Code shall be provided. The Reno Fire Department shall determine compliance with this condition.
49. Fire fuel breaks meeting with the approval of the Reno Fire Department shall be provided and maintained. The Reno Fire Department shall determine compliance with this condition.

DESIGN REVIEW

50. Prior to any ground-disturbing activity or finalization of a final map, the applicant shall submit a landscaping/architectural design plan to the Department of Community Development for review and approval by the Design Review Committee. Said plan shall address, but not be limited to: fencing, drought tolerant front yard landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained for a 3-year period. These financial assurances shall be added to, and included with, the subdivision improvement agreement of the Engineering Division. The following shall also apply:
 - a. All project signage shall be of monument style and not to exceed 10-feet in height, and have no more than sixty (60) square feet of surface area per side. The monument shall be consistent with the architectural style of the subdivision. Prior to the issuance of signage permits, all signs must be approved by the Design Review Committee; and
 - b. All signage may have low wattage backlit lettering for identification purposes only, but may not have diffused up or down lighting.
 - c. Temporary irrigation shall be installed to assure the landscaped island(s) thrives.

The staff of the Department of Community Development shall determine compliance with this condition.

51. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 408, 410 and 412 of the Development Code have been met. Any

landscaping plans and the letter shall be wet-stamped. The staff of the Department of Community Development shall determine compliance with this condition.

MISCELLANEOUS

52. The hours of operation for the grading and all incidental ground-disturbing activity, to include home construction, shall be from 7:00 a.m. to 5:00 p.m., Monday through Friday only. The Department of Community Development shall determine compliance with this condition.
53. Prior to finalization of any portion of the tentative map, a final, detailed hydrology/hydraulic report for that unit shall be submitted to the County Engineer. All storm drainage improvements necessary to serve the project shall be designed and constructed to County standards, and specifications and/or financial assurances in an appropriate form and amount shall be provided. The County Engineer shall determine compliance with this condition.
54. The applicant shall development of a secondary access road for use of the residential parcels of Horizon Hills and New Horizons Subdivisions. The emergency access shall be constructed to the satisfaction of the Reno Fire Department.
55. The applicant shall provide one of the following methods for maintenance of the subdivision's detention basin:
 - a) The CC&R's shall require Homeowner's Association perpetual maintenance of the detention basin, or
 - b) The detention basin shall be approved and incorporated into a Storm Water Maintenance District as provided for in County Code for the properties in the new subdivision.
56. Lot 13 and 14 shall be reconfigured to provide rear lots lines of equal length adjacent the existing abutting lots. The Department of Community Development shall determine compliance with this condition.

05-702 REDEVELOPMENT DISTRICTS

John Sherman, Finance Director, provided background on the extension and possible expansion of the Redevelopment Districts as contained in the agenda memorandum dated June 23, 2005.

In response to Commissioner Galloway's request for an analysis of the impact of additional retail businesses that area 2 is designed to draw, Mr. Sherman said Alliance Realty, Grub and Ellis, and the University of Nevada, Reno were contacted; and he discussed their findings, which concluded the County's position as a regional shopping area, tourism, and the robust nature of the retail market mitigates the retail

space being 50 percent above the national average. In addition, Mr. Sherman said very few retail establishments are leaving the area.

Mr. Sherman said Redevelopment Agency staff was asked if there was interest in negotiating an agreement where some of the diverted revenue would be channeled back to the County, and the answer was no. He said they were interested in pursuing a mutually beneficial project, and he described a potential project. He said County staff was requesting guidance on whether to continue pursuing this or not.

Commissioner Galloway read from Daryl Drake's response to the City of Reno staff report dated May 11, 2005. He asked for clarification on the dollar differences between the County's numbers and Mr. Drake's numbers. Mr. Sherman said Mr. Drake was looking at the entire amount while his were specific to the County. Commissioner Galloway asked if retail would be competing for the same money as gaming. Mr. Sherman said he sees a diversification of the economy and a transition away from gaming/tourism. Commissioner Galloway asked if increased sales tax would compensate for the property tax loss in the event Star Bond Districts are placed on top of the Redevelopment Districts. Mr. Sherman responded this would add to the County's dilemma.

Commissioner Sferrazza said he does not support the double tax exemption that might be granted with Star Bonds on top of the Redevelopment District. He also did not understand how the area where Cabela is building could be called blighted, and he opposed creating a redevelopment district unless it eliminates blight.

Commissioner Humke agreed because he felt the expansion was too ambitious, and he said the City of Reno should be encouraged to stage the expansion. He stated he did not see why some districts included gaming and some did not.

Chairman Weber stated she did not see how the County could afford to support this and she personally did not. She encouraged the City of Reno to go to the public with what they are proposing, because she felt the public might be concerned that these areas are not blighted.

Commissioner Galloway read another section from Mr. Drake's response refuting the areas are blighted.

Ted Short, local resident, said he was concerned about the affect on the School District of adding the new Redevelopment Districts on top of the new tax cap. He stated a lot more public input was needed.

Lois Avery, local resident, said current redevelopment has failed and she asked what would be done differently to make the new redevelopment work. She agreed only truly blighted areas should be part of redevelopment districts.

Debra Robinson, Atlantis Casino Resort and Spa General Counsel, asked if redevelopment is truly needed in all of the proposed areas. She said the benefit of redevelopment needs must be weighed against the detriment of the diverted tax revenue.

In response to Commissioner Humke, Mr. Sherman said the new legislation requires four or more characteristics of blight must be applied to each non-contiguous area after October 1st. He said the Star Bond legislation still has provisions that will afford this Board the opportunity to be engaged in that process.

Commissioner Galloway addressed Star Bonds, Redevelopment Districts and Mr. Short's warning in 2001. He recommended staff go out to groups to explain the revenue impact of the proposed Redevelopment Districts.

Commissioner Sferrazza asked if the County still had the authority to approve Star Bonds within the City of Reno and the County. Mr. Sherman replied that provision had been removed from the bill, but there is a public process in terms of the analysis that must occur to create the district. He said the School District and the County would hold public hearings to provide input, but the County's veto had been removed. Commissioner Sferrazza commented on his opposition to the Star Bonds, and he said the Redevelopment District on top of the Star Bonds would be anti free market.

Commissioner Humke felt the County was doing its part for the downtown economy by keeping County employees downtown and generating sales tax revenue.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Larkin absent, it was ordered that staff be directed to express the Board's opposition and to actively engage other concerned parties in a dialog about the potential adverse impacts on local government revenues and local businesses that would be outside of the proposed expansion of the Redevelopment Districts because of the loss of revenue and because of impacts not yet determined. It was further ordered that public forums, either alone or in cooperation with other entities, be conducted to discuss the issue and to gather public input and a formal request be made to the City of Reno to join in the public forums.

REPORTS/UPDATES FROM COUNTY COMMISSIONERS

Commissioner Galloway commented on the grand opening of the Incline Village Library.

Chairman Weber discussed the V&T Railway workshop and meeting where the new Board was elected.

05-703 2002 REGIONAL PLAN SETTLEMENTS

Melanie Foster, Legal Counsel, reported Judge Hardesty ordered the citizen donation be spent in the Verdi/Mortensen/Mogul area. He also requested the

Board appoint the Oversight Advisory Board members, lay out the process by which the citizen donation fund would be spent, and set out a list of projects to spend the money on with the first being, by order of the Court, water mitigation projects. Ms. Foster also discussed the Annexation Mediation Settlement, and she stated all of this would be on the July 12th agenda.

In response to Chairman Weber, Ms. Foster said the two people on the Committee who negotiated the settlement could be this Board's appointees, but it needs to be formalized. She said the water mitigation projects should be given first consideration per Judge Hardesty, but he did not say that was the only allowable use. The decision on spending the money would be made by the Oversight Advisory Board, which is composed of two members of this Board and two members from the Truckee Meadows Water Authority (TMWA) Board.

Chairman Weber said the Verdi Citizen Advisory Board should have input on where the money should be used. Ms. Foster said there was discussion during negotiations that there would be a review process by the citizen groups to make sure their input was obtained.

Chairman Weber thanked Commissioner Galloway for being instrumental in representing the County during the annexation mediation and she also commended Reno City Councilmember Hascheff for his efforts.

Ms. Foster reported the Sparks City Counsel continued the annexation item to their next July meeting. She said Judge Hardesty recognized they were not part of the primary disagreement, but their concurrence would be useful and positive.

Commissioner Galloway discussed the withdrawal of the annexation plan. Ms. Foster said the more instant concern was what happens in the interim until the facilities plans and other items would be in place. She said those items would need to be addressed in negotiation. Commissioner Galloway said the best thing would be a show of good faith, as suggested by John Hester, City of Reno Planning Director, that they withdraw and go back to the old plan until that time.

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There being no further business to come before the Board, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Larkin absent, it was ordered that the meeting be adjourned to a Closed Session at 9:10 p.m. for the purpose of discussing negotiations with Employee Organizations per NRS 288.220. It was further ordered that the meeting would adjourn from the Closed Session.

BONNIE WEBER, Chairman
Washoe County Commission

ATTEST:

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

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