

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

12:30 P.M.

DECEMBER 12, 2006

PRESENT:

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

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

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

06-1317 AGENDA

In response to the call for public comment, Sam Dehne objected to the two-minute time limit for speakers.

In accordance with the Open Meeting Law, on motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the agenda for the December 12, 2006 meeting be approved with the following change: **Correction** Item 19, Right of Entry/Easement Agreement should read “authorize stormwater connection fee.”

**06-1318 DISCUSSION - PARKING STRUCTURE FOR PIONEER SITE -
PUBLIC WORKS**

Tom Gadd, Public Works Director, conducted a PowerPoint presentation, which was placed on file with the Clerk. He summarized staff direction during prior Board meetings, explained the Request for Proposal (RFP) process, and reviewed the history of the Pioneer site as stated in the agenda memorandum dated November 29, 2006. Mr. Gadd stated the terms of the bond financing had limitations on the property for development, and the issues associated with selling or trading the property would require a public auction in the event the County wished to dispose of or trade the property. He said, given the current security issues related with the courts and parking, staff had determined the southernmost portion of the property was appropriate for a parking structure. Mr. Gadd said to maintain the tax-exempt status the property must be used for governmental purposes or the bonds, or a portion of the bonds, must be defeased. He

added the challenges and/or opportunities for developing this site were to resolve the parking shortage in the downtown area and plan for future parking requirements. Mr. Gadd said sufficient space needed to be retained for future court expansion in close proximity to the existing courts complex and meet the limitations presented in the bond financing.

Roger Van Alyne, Public Works Deputy Director, conducted a PowerPoint presentation, which was placed on file with the Clerk, reviewing the RFP's received from Trammell Crow Company, Tamkin Development Company, Swisher Garfield Traub Development, and Capstone Partners. Mr. Van Alyne explained two of the RFP's had met the requirements and two had not.

***1:00 p.m.** Melanie Foster, Legal Counsel, arrived.

Mr. Gadd indicated, as directed from the November 13, 2006 meeting, staff would return to the Board in January 2007 to either award an RFP or defer the parking structure. He suggested a variance be formally pursued from the City of Reno to construct a temporary surface parking lot until the bonds were defeased or an agreement entered into with a developer for a mixed-use structure. Mr. Gadd indicated the cost to build a surface parking lot was approximately \$500,000. He explained the County would receive surface parking that met handicap requirements, and arrive at 358 parking spaces; but the actual need was roughly 600 spaces. He remarked the temporary requirements could be met by parking in the Gallery Parking Garage on Sierra Street; however, those spaces would be lost beginning in the 2008/09 timeframe. Mr. Gadd added if staff were directed to continue with the additional RFP's, he suggested the developers provide the County with a substantial non-refundable deposit to reject developers who did not have the financial backing.

Commissioner Sferrazza preferred the entire site be incorporated, and he suggested proposals include a courthouse and a parking structure. Mr. Gadd remarked staff would indicate that type of RFP.

In response to Commissioner Sferrazza, John Swensied, Bond Counsel, replied the air rights could be sold and the site condominium-ized with an air right and non-air right parcel, and underground parking would utilize the non-air right parcel. He said the bonds could remain if there was a governmental use.

***1:10 p.m.** Chairman Larkin arrived.

Commissioner Galloway asked if a commercial partnership could help the County pay for the parking structure. Mr. Van Alyne replied that level of detail was not received in the RFP's.

In response to Commissioner Humke, Mr. Gadd replied Tamkin Development Corporation and Trammell Crow Company met the RFP requirements. He said staff was not suggesting a selection of a developer today. He said if the Board

directed to continue and pursue options, staff would then meet with the developers and discuss their proposals in greater detail. Commissioner Humke asked if the two RFP's who did not meet the requirements could reapply. Mr. Gadd replied if a separate RFP process were pursued, everyone would have to resubmit a packet. Commissioner Humke commented he was interested in swiftness since the County had received criticism that parking was not being built quickly enough. He stated he was in favor of the suggested temporary parking lot.

Chairman Larkin remarked the scope of the work would take longer than one year. Mr. Gadd explained if a temporary parking structure was recommended it would take approximately 12-18 months to complete. Chairman Larkin asked if staff felt they had enough information to recommend a good decision. Mr. Gadd recommended the County either go forward with the architect or ask the City of Reno for a variance for the 358 spaces to potentially develop the property. Mr. Gadd added the bonds would defease in 44 months.

Vice Chairman Weber inquired if there were two developers who could move forward. Mr. Van Alyne stated that was correct. He said the next step would be discussions for development of the site. He said in conversations among staff a condition would be placed on that type of proposal with the concurrency of the Board. He explained a tangible offer would have to be placed on the table to be serious and a non-refundable deposit to continue discussions was a normal practice in the development industry.

Commissioner Galloway commented he would favor the variance from the City of Reno. He asked if the City would be willing to waive the lighting and landscaping requirements imposed by the Redevelopment Agency. Mr. Gadd indicated the City of Reno would be willing to entertain that notion. He recommended to delay this and have the City allow this proposal to be completed.

1:27 p.m. Commissioner Humke temporarily left the meeting.

In response to the call for public comment, Chris Nelson agreed with the pursuit of the variance from the City of Reno and exploring detailed discussions of the proposals with developers. John Breternitz said this was a complex issue, and he proposed a strategic development plan for the County. Daryl Drake said the County should look at this opportunity in a holistic manner. He stated the Reno Redevelopment Agency had a set of objectives the County needed to recognize. Martha Shelley said this was a landmark site that created a landmark opportunity for the community, the Justice District, the Downtown area, the County, and all other stakeholders involved. She hoped the Board would look at other solutions to provide for a better downtown. Sam Dehne commented citizens voted down the concept of a new court building. Gary Schmidt clarified the voters had voted not to build new courthouses downtown; however, he was in favor of the proposed temporary parking lot. Ron Longtin said the Judges proposed the establishment of a Blue Ribbon panel to be comprised of the appropriate representation

from citizens, Chamber of Commerce, and other officials chosen through the governmental bodies on a collaborative basis to assist with the idea of development.

Vice Chairman Weber agreed with the idea of a task force that discussed other ideas and not just the standard of parking. She stated the County needed to move forward with the temporary parking but seek out a permanent solution.

Commissioner Sferrazza commented he was not in favor of a Blue Ribbon panel. He suggested moving forward with the temporary parking lot then conduct a national RFP search so proposers could arrive with their best ideas.

Commissioner Galloway remarked this project needed professional evaluation and development ideas, not political evaluation. He said if the City of Reno approved the variance, the County could go beyond what was presented but be cautious when it came to negotiations committing to build a larger court facility for the general jurisdiction courts in a finite time. He said neither the space studies or the updates had been received on the efficiencies of the current court operation or when it would be necessary to build a larger court facility. Commissioner Galloway suggested pursuing the variance and exploring other options such as a grocery store in downtown.

Chairman Larkin moved to request the variance from the City of Reno on the Pioneer site for a temporary parking lot and to direct staff to conduct a national RFP search. Commissioner Sferrazza seconded the motion.

Commissioner Galloway requested the outline for the RFP be included in the motion then brought back to the Board in January 2007 to indicate if this item had been placed on the agenda for the City of Reno.

Mr. Gadd stated staff would request the variance for 44 months when the bonds were defeased. He suggested that amount of time to allow the County to decide whether to proceed with a mixed use or strictly a parking structure and sufficient time for completion, which could be up to 24 months. Chairman Larkin questioned if the 44 months included a decision and construction. Mr. Gadd said the 44 months would allow staff to make the decision and proceed forward with a construction timeframe. Chairman Larkin stated he would not agree to that amount of time solely for decision. He recommended a request for a variance to include 44 months for decision and construction.

Commissioner Sferrazza remarked the bonds would not be defeased for 44 months. Commissioner Galloway added whether the bonds were defeased could make a difference in the construction cost.

Chairman Larkin amended the motion to read the variance for 44 months in terms of decision, if the bonds were defeased, but at the end of that time construction would commence. The seconder agreed.

Vice Chairman Weber clarified the motion to request a variance from the City of Reno for staff to develop an RFP and conduct a national RFP search and have a decision and commence construction within 44 months.

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

Chairman Larkin assumed the gavel.

**06-1319 RESOLUTION OF RECOGNITION AND APPRECIATION -
KATHY GARCIA**

Katy Singlaub, County Manager, read and presented the Resolution of Recognition to Kathy Garcia, Comptroller. Ms. Garcia thanked the Board, her staff and stated the past 25 years had been a joy.

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that a Resolution of Recognition and Appreciation be adopted and the Chairman be authorized to execute the same:

RESOLUTION OF RECOGNITION AND APPRECIATION

WHEREAS, Kathy Garcia began her employment with Washoe County in 1981, serving as a Senior Accountant; then Chief Deputy Comptroller and then Comptroller; and

WHEREAS, Kathy became a Certified Public Accountant in 1978 and Certified Public Finance Officer in 2001; and

WHEREAS, Kathy is acknowledged as the founder of Washoe County's Certificate of Achievement for Excellence in Financial Reporting in Washoe County, having received the Certificate from 1982 to present; and

WHEREAS, Kathy has been a member of the Nevada Government Finance Officer's Association from 1982 to present, and served as Co-Chairman and Treasurer; and

WHEREAS, Kathy has been a member of the Nevada Society of Public Accountants from 1984 and served as Chairman from 1992 to 1993; and

WHEREAS, Kathy was recognized as the 2002-2003 Outstanding CPA in Government by the Nevada Society of Certified Public Accountants; and

WHEREAS, Kathy has maintained the highest standard of professional conduct and expertise; and

WHEREAS, Kathy has been a great visionary and innovative public servant who always gave her best; and

WHEREAS, Kathy's dedication to duty and untiring excellence in public service will definitely be missed by her Washoe County Family; and

WHEREAS, Kathy recently started her well-deserved retirement after 25 years with Washoe County; now, therefore, be it

RESOLVED, That the Washoe County Board of Commissioners extends its sincere appreciation to Kathy Garcia for her leadership and dedication to Washoe County and wishes her the best in her retirement and the next chapter of her life.

INTRODUCTION OF NEW COUNTY EMPLOYEES

Chairman Larkin invited approximately 23 new Washoe County employees to come forward and introduce themselves to the Board. The Board members welcomed the new employees.

06-1320 PRESENTATION - EXCELLENCE IN PUBLIC SERVICE CERTIFICATES

Katy Singlaub, County Manager, recognized the following employees for successful completion of the Excellence of Public Service Certificate Programs administered by the Human Resources Department:

Essentials of Management Development

Gwen Hunter, Administrative Secretary
Mitchell Schneider, Animal Control Officer
Debra Campbell, Records Manager
Paul Genco, Technology Project Coordinator

Support Staff Program

Catherine Moldenhauer, Office Support Specialist
Cindra Smith, Appraisal Assistant

Personal Effectiveness Program

Katherine Larsson, Sheriff's Office
Patricia McCord, Collections Analyst
Cindra Smith, Appraisal Assistant

PUBLIC COMMENTS

Katy Singlaub, County Manager, stated, "The Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest

levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence, and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.”

Guy Felton spoke on the meaning of decorum.

Neal Cobb suggested an agenda item concerning the Golden Mesa North Project in Golden Valley. He stated the citizens of Golden Valley did not want a development through the middle of the area that separated neighbors.

Chris Baker encouraged the Board to allow the Golden Mesa North Tentative Map to be approved as an exception to the newly adopted North Valleys Area Plan. He explained the original tentative map was approved in 2004 and expired in September 2006. Mr. Baker indicated the tentative map was resubmitted in November of 2006 and deemed incomplete by Community Development due to policies included in the newly adopted Area Plan. He said the approved tentative map was forced to expire due to a tenant lawsuit attached to the property that was resolved in favor of the property owner. He remarked the original tentative map was a true example of community planning.

Roger Edwards stated the Golden Mesa Map showed the efforts of compatible neighbors, water retention, and curbs and gutters. He said this project was included in the original North Valleys Area Plan and the Golden Valley Area Plan, but this exception was omitted from the final draft. He said three years of effort had been involved and he did not want to see this work dismissed.

Pat McAlinden said the Golden Valley’s homeowners had worked in good faith with the Golden Mesa developers. She said the residents wanted to be assured that the current lifestyle and lot size of the Valley would continue and to prevent the clustering of homes within the existing Golden Valley. She requested an agenda item to explore options to allow the Golden Mesa Development as negotiated with the developer and the homeowners while retaining the area plan elements protecting the lifestyle and property of the existing residents.

Gary Schmidt thanked Commissioner Sferrazza for his service to the community and his support of the Open Meeting Law and free speech.

Laura Carman spoke on the amendment of conditions for the Special Use Permit for David Mollenberg grading. She said the Hidden Valley homeowners had three concerns they would like addressed: the elimination of temporary irrigation for the future revegetation areas, placement of fill within the natural drainage ways, and opposition to

the grading practices implemented on the hillside. Ms. Carman requested the amendment to the Special Use Permit be denied.

Sam Dehne spoke on his concerns of the scandals surrounding Governor-elect Jim Gibbons.

Jim Gallaway suggested retail for the first floor of a proposed parking structure on the Pioneer site should include a grocery store for the downtown area.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Weber congratulated the City of Reno for their sponsorship of the League of Cities National Conference that was recently held. She requested a resolution of appreciation for Ken Retterath, Adult Services Division Director, and Anne Murphy, Social Services Supervisor, for their work on behalf of the County with the Mizpah fire victims. She commented it was important to recognize how quickly staff responded to the needs of the displaced residents. Commissioner Weber announced that Jeff Fontaine was appointed as the Executive Director of the Nevada Association of Counties (NACO). She added NACO became a member of the Western Counties Alliance and the 2007 NACO convention would be held in Elko. She requested an agenda item to review or designate a train quiet zone status through the Verdi corridor.

Chairman Larkin congratulated the Manager's Office for securing 85 Edison Way, Reno, for a homeless shelter during the recent cold weather. He admonished KOLO Television Station for an erroneous program that was released stating the establishment of 85 Edison Way was related to their story about an investigation. Chairman Larkin also congratulated the City of Reno for hosting the League of Cities National Conference. He praised the staff of Regional Parks and Open Space and the Arboretum at Rancho San Rafael Park for the first annual Christmas tree lighting held on December 9, 2006. Chairman Larkin requested an update on the new smoking initiative.

Commissioner Galloway announced the public trails issue had arose again in his District, and he said he had submitted several proposals to County staff. He noted a shorezone workshop was scheduled for December 13, 2006 in South Lake Tahoe.

Commissioner Sferrazza congratulated the City of Reno and the National League of Cities, and he acknowledged Reno Mayor Bob Cashell and Reno Councilmember Jessica Sferrazza for securing the Conference. He requested an agenda item concerning the Golden Mesa North Tentative Map in Golden Valley.

Katy Singlaub, County Manager, thanked Senator Harry Reid and Senator John Ensign for their support on the White Pine County bill in placing language into HR6111, which allowed the County to have wildfire mitigation funding, and for the County to move forward with the purchase of the Ballardini Ranch. In response to Chairman Larkin, she replied the smoking ban was in effect in the County.

In response to Ms. Singlaub, Aaron Kenneston, Emergency Management Administrator, replied staff was directed to prepare a contingency plan in the event floodwaters threatened to overflow the homeless shelter at 85 Edison Way. He said the Water Resources Department and the National Weather Service reaffirmed their commitment to provide an early warning system for that area. Mr. Kenneston added the Reno-Sparks Gospel Mission and other agencies had volunteered to assist to move the residents if an evacuation was needed. He noted the fire station located on Old Virginia Road had been designated as the primary site for relocation and several other areas were identified as alternates to be operated by Social Services and the American Red Cross.

2:45 p.m. The Board recessed.

3:00 p.m. The Board reconvened.

06-1321 MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the minutes of the regular meetings of October 17 and 24, 2006, be approved as corrected.

06-1322 CANCEL – REGULARLY SCHEDULED MEETING - DECEMBER 26, 2006

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the regularly scheduled meeting of December 26, 2006, be cancelled pursuant to Washoe County Code 5.017(4), and the Clerk be directed to post the notice of cancellation.

06-1323 APPOINTMENT - SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT LOCAL MANAGING BOARD - WATER RESOURCES

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that E. Sue Sanders be appointed to fill seat No. 4 on the South Truckee Meadows General Improvement District Local Managing Board to serve until the first Monday in January 2009.

06-1324 2003-2006 CENTRAL TRUCKEE MEADOWS REMEDIATION DISTRICT FEE REIMBURSEMENTS - WATER RESOURCES

Chris Benedict, Remediation District Planning Manager, said water records were received from five different water purveyors who acquired wholesale water from Truckee Meadows Water Authority (TMWA). He said the errors were provided by the individual water purveyors who discovered the errors after the fact. He said staff had

no immediate recourse or control to catch the errors ahead of time. Mr. Benedict stated staff had been working with the purveyors to verify the process, but given the timeline that staff had to send the information to the Treasurer's Office the errors may not get resolved until the bills went out. He added the only recourse provided by statute was to refund the money.

Chairman Larkin asked if there was a management process to correct this. Mr. Benedict replied the remediation fees were compared through an electronic database. Chairman Larkin stated he would prefer adequate policies, procedures, and management controls put in place.

Upon recommendation of Mr. Benedict, and Jeanne Ruefer, Planning Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the following 2003-2006 Central Truckee Meadows Remediation District Program Remediation Fee Correction Reimbursements, in the amount of \$1,512.15, be approved and authorized:

| Table 1 - 2006 Fee Year Corrections | | |
|--|----------------|-------------------|
| APN | OWNER | DIFFERENCE |
| 8939110 | Washoe County | \$521.38 |
| 3332253 | Donna Cross | 71.53 |
| 3206407 | Steve Melching | 339.71 |
| 2006 Fee Year Correction Total | | \$932.62 |

| Table 2 - Pre-2006 Fee Year Corrections | | |
|--|----------------|-------------------|
| APN | OWNER | DIFFERENCE |
| 3206407 | Steve Melching | \$122.76 |
| 3206407 | Steve Melching | 265.94 |
| 3206407 | Steve Melching | 190.83 |
| Pre-2006 Fee Year Correction Total | | 579.53 |

06-1325 DEED - DONOVAN WELL - SHADOW RIDGE 192, LLC - WATER RESOURCES

Upon recommendation of Alan Jones, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that the Deed for the Donovan Well parcel from Shadow Ridge 192, LLC be accepted. It was further ordered that the Chairman be authorized to sign the Deed and the Engineering Manager be directed to record the Deed at the Office of the County Recorder.

06-1326 LICENSING AGREEMENT - CLARK COUNTY - CLARK COUNTY LEGISLATIVE TRACKING APPLICATION - MANAGEMENT SERVICES

Upon recommendation of Kim Gunn, Management Services, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that a Licensing Agreement between Washoe County and Clark County, concerning the Clark County Legislative Tracking Application, be approved and the Chairman be authorized to execute the same.

06-1327 RESOLUTION - SURPLUS USED ELECTRIC KILN - INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT - SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

RESOLUTION

WHEREAS, Washoe County Senior Services provides services and programs to enhance and improve the quality of life for senior citizens in Washoe County; and

WHEREAS, Washoe County Senior Services has two functional kilns that have reached the end of their useful lives to the department and are surplus to its needs; and

WHEREAS, the Incline Village General Improvement District provides community programs for seniors, youth, people with disabilities and other citizens in the Incline Village area of Washoe County; and

WHEREAS, the Incline Village General Improvement District has expressed an interest in acquiring a kiln to be used for inter-generational pottery classes; and

WHEREAS, Washoe County Senior Services wishes to donate one kiln to the Incline Village General Improvement District;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE IN THE STATE OF NEVADA, that we support the needs of the citizens of Incline Village and declare:

1. NRS 244.1505 provides that a board of county commissioners or its authorized representative may donate commodities, supplies, materials and equipment that the board determines to have reached the end of their useful lives to another governmental entity, to be used for any purpose which will provide a substantial benefit to the inhabitants of the county; and

2. The above mentioned surplus, used County equipment will be donated in “as is” condition to the Incline Village General Improvement District; and

3. Incline Village General Improvement District, or its designee, will be responsible for picking up the equipment and transporting it to their destination of choice in the community of Incline Village;

4. This resolution shall be effective on passage and approval by the Washoe County Board of County Commissioners.

06-1328 PURCHASE - REFRESHMENTS FOR SENIOR SERVICES HOLIDAY EVENT - MANAGER

Commissioner Galloway acknowledged the donations and extended the gratitude of the Board.

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the purchase of refreshments for a Department of Senior Services Holiday event using donations provided by Lend-A-Check, in an amount not to exceed \$100, be authorized. It was further ordered that the Finance Department be directed to make the following budget adjustments:

| ACCOUNT NUMBER | DESCRIPTION | AMOUNT OF INCREASE/ (DECREASE) |
|-----------------------|-------------------------------|---------------------------------------|
| 20223-710500 | Lend-A-Check - Other Expense | (\$100) |
| 20223-710872 | Lend-A-Check - Food Purchases | \$100 |

06-1329 DONATIONS - HOBEBY’S CASINO - CHARLES CELLAND - ADULT DAY CARE PROGRAM - MANAGER

Commissioner Galloway acknowledged the donations and extended the gratitude of the Board.

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the cash donations from Hobey’s Casino and Charles Celland for Christmas and

Thanksgiving holiday gifts for seniors in the Adult Day Care Program and the Sun Valley Senior Center, in the amount of \$450, be accepted. It was further ordered that the Finance Department be directed to make the following budget adjustments:

| ACCOUNT NUMBER | DESCRIPTION | AMOUNT OF INCREASE |
|--------------------|-----------------------------------|--------------------|
| Revenue | | |
| 250130-484000 | Sun Valley/Donations | \$205.00 |
| 20071- 484000 | Adult Day Care Donations | 250.00 |
| Expenditure | | |
| 250130-710500 | Sun Valley/Other Expense | \$205.00 |
| 20071- 710500 | Adult Day Donations/Other Expense | 250.00 |

06-1330 ROLL CHANGE REQUESTS - STATUTE CHANGE FOR 2006/07 REAL PROPERTY TAX ROLL - ASSESSOR

Upon recommendation of Ron Sauer, Senior Appraiser, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, it was ordered that the roll change requests due to a statute change for 2006/07 Real Property Tax Roll and the Order directing the Treasurer to correct the error, in the cumulative amount of reduction \$12,919.03, be approved and the Chairman be authorized to execute Exhibit A, which was placed on file with the Clerk.

06-1331 ROLL CHANGE REQUESTS - ERRORS IN 2004/05, 2005/06, AND 2006/07 SECURED TAX ROLL - ASSESSOR

Upon recommendation of Ivy Diezel, Systems Support Analyst, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the roll change requests for errors discovered for the 2004/05, 2005/06, and 2006/07 secured tax roll as outlined in Exhibits A, B, and C, which were placed on file with the Clerk, supported by additional information found in the individual roll change request forms (on file in the County Manager's Office), in the cumulative amount of reduction \$69,012.13, be approved.

06-1332 CASH DONATIONS - REGIONAL PARKS AND OPEN SPACES - PARKS

Commissioner Galloway acknowledged the donations and extended the gratitude of the Board. He requested the names of the donors be posted in the lobby of the County Complex.

Upon recommendation of Rosemarie Entsminger, Fiscal Compliance Officer, on motion by Commissioner Galloway, seconded by Commissioner Weber,

which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that the cash donations from various businesses, organizations and individuals for the Department of Regional Parks and Open Space programs and facilities, in the amount of \$37,025, be accepted. It was further ordered that the donation of an oil canvas painting of historical significance to Rancho San Rafael Regional Park, valued at \$3,000, be accepted. It was also ordered that the Finance Department be directed to make the following budget adjustments:

| ACCOUNT NUMBER | DESCRIPTION | AMOUNT OF INCREASE |
|-----------------------------|---|---------------------------|
| Increase Revenue | | |
| Gen. Fund IN20020-484000 | Camp We Ch Me | \$10,000 |
| Fund 404, PK906024-484000 | North Valley Sports | 10,000 |
| Gen. Fund IN20020-484000 | Various General Park donations | 2,425 |
| Fund 404, IN20027-484000 | Old Huffaker School | 2,929 |
| Fund 264, IN20034-484000 | May Arboretum | 11,671 |
| Increase Expenditure | | |
| Gen. Fund, IN20020-710205 | Camp We Ch Me - Repair and Maintenance | \$10,000 |
| Fund 404, PK906024-781080 | North Valley Sports - Construction Contracts | 10,000 |
| Gen. Fund, IN20020-710300 | Gen. Fund- Operating Supplies | 2,425 |
| Fund 404, IN20027-710300 | Old Huffaker School | 2,929 |
| Fund 264, IN20034-711504 | May Arboretum - Non-Capital Equipment | 7,500 |
| Fund 264, IN20034-710200 | May Arboretum - Service Contracts | 4,171 |

It was noted there were no significant maintenance costs associated with any of these donations.

**06-1333 APPOINTMENTS - CENTRAL CITIZEN ADVISORY BOARD -
COMMUNITY DEVELOPMENT**

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Humke temporarily absent, Chairman Larkin ordered that Erik Holland be appointed as an At-Large alternate on the Central Citizen Advisory Board with a term beginning on December 12, 2006 and ending on June 30, 2008, and Harvey L. Lee be appointed as an At-Large alternate on the Central Citizen Advisory Board with a term beginning on December 12, 2006 and ending on June 30, 2007.

06-1334

**APPEARANCE - DUNCAN ASSOCIATES AND DYETT AND
BHATIA - COMMUNITY DEVELOPMENT**

Adrian Freund, Community Development Director, stated the Final Assessment of the Development Code was being presented. He said a series of workshops were conducted with the public to gather input. Mr. Freund indicated staff was seeking direction for three specific actions: acceptance, direction on emphasized issues, and authorization to prepare and circulate a Request for Proposal (RFP). He noted due to the many different sections within the Code it was not customer friendly.

Kirk Bishop, Duncan and Associates representative, and Michael Dyett, Dyett and Bhatia representative, conducted a PowerPoint presentation, which was placed on file with the Clerk, concerning the overview of the final assessment report, findings, recommendations, top priorities, feedback, and the next steps.

In response to the call for public comment, Mike Dillon said he represented the Builders Association of Northern Nevada and they supported the work completed. He said they were concerned on all the concurrency issues with the Truckee Meadows Regional Planning Agency (TMRPA) and area plans.

Commissioner Galloway suggested public access should be listed. He was concerned about non-road public access corridors, such as bridle paths, footpaths, bicycle lanes, etc. He recommended a statement should be included that the County maintain the existing public access opportunities and that the County reflect that in the Development Code by not issuing permits that degrade those public access corridors. Commissioner Galloway felt no permit should be issued without notice to other affected properties. He also suggested noticing for encroachment permits.

Commissioner Galloway asked about hybrid development. Mr. Freund replied that discussion would occur when the contract for revision of the Development Code was awarded. He stated there would be public education and debate needed for a two-map system; however, a hybrid could meet some of the challenges with the area plans for the different parts of the County. Mr. Freund stated the master plan should be the overall guidance document and then the zoning map. He said the public felt the one-map system provided some permanence and inflexibility, but every time an amendment was made it changed the master plan.

Commissioner Sferrazza was concerned about going to a two-map system unless the master plan or land use plan map was the zoning map. He wanted reassurance that a master plan was not binding and did not force the Board to adopt the higher zoning under the master plan. Mr. Freund commented the one-map system was popular for a period of time; however, most communities had returned to a two-map system.

3:45 p.m. Commissioner Humke returned.

Commissioner Weber was concerned about how all the different area plans would be incorporated. She suggested a workshop to review the document and to see how it would impact the community. Mr. Freund replied this assessment report diagnosed the problems in the existing Development Code. He said the details of the next phase would be discussed to find the course of direction.

In response to Chairman Larkin, Mr. Freund replied the report addressed specific areas that needed to be revised, the formatting and organization of the Code, and the building of a foundation for an electronic Code. He said it was unusual to have a uniform level of service for all geographic areas and all conditions. Chairman Larkin requested a mock up of an area plan that incorporated the one and two-map systems prior to moving forward with RFP's.

Commissioner Sferrazza suggested permitted uses rather than Special Use Permits within a zone to know what rights were allowed in that zone.

Commissioner Galloway agreed that the number of permitted uses should be reduced and allowed only with a Special Use Permit, but not completely eliminated.

Upon recommendation of Michael Harper, Planning Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the report be accepted with the understanding staff would return to the Board to implement the recommendations.

In response to Commissioner Weber, Chairman Larkin replied this would be scheduled as a workshop or special meeting before the implementation of the recommendations.

06-1335 STATUS REPORT - STATE OF NEVADA REVIEW OF CHILD FATALITIES - MANAGER

Richard Gammick, District Attorney, explained as a result of action taken by the Nevada State Legislature, a child death review panel of experts was seated through the Nevada Department of Health. He indicated a report would be submitted to the County on December 14, 2006 and selected individuals from Social Services, the Coroner's Office, Reno and Sparks Police Departments, Washoe County Sheriff's Department, and the Washoe County District Attorney would observe the presentation of the report. Mr. Gammick advised the Board on the forthcoming report noting he had not seen the final copy. He said in preparation staff had met and interviewed with all involved agencies and the various Public Information Officers (PIO) of all the legal entities to discuss the incorporated process. He said prepared statements would be released to the public concerning the positives that had occurred in the County over the past six years from the PIO's. Mr. Gammick stated a team was in place to review the report and the recommendations made by the Death Review Panel. He noted staff would return to the Board with a report covering the findings and recommendations and an action plan. Mr. Gammick indicated he was the spokesperson for the County.

Commissioner Galloway asked why a statewide study was not completed. Mr. Gammick replied the original plan was to audit Clark County. He indicated the State decided to include Washoe County and conduct a third study of the rural counties.

**06-1336 EXPENDITURE/RESOLUTION - COMMISSION DISTRICT 3 -
GREAT BASIN GROUP - TOIYABE CHAPTER OF THE SIERRA
CLUB - MANAGER**

Upon recommendation of Rita Lencioni, Assistant to the County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that an expenditure from County Commission District 3 Special Funding Account to the Great Basin Group of the Toiyabe Chapter of the Sierra Club to assist in paying for use of the Ranch House at Bartley Ranch for eight monthly educational program meetings, in the amount of \$600, be approved. It was further ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

**RESOLUTION
Authorizing the Grant of Public Money to Great Basin Group of the
Toiyabe Chapter of the Sierra Club**

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, or to a governmental entity, to be expended for a selected purpose; and

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 2006/2007 to make a grant of money to Great Basin Group of the Toiyabe Chapter of the Sierra Club to assist in paying for use of the Ranch House at Bartley Ranch for eight monthly educational program meetings and that by providing this grant of money, a substantial benefit will be provided to the inhabitants of Washoe County, now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to Great Basin Group of the Toiyabe Chapter of the Sierra Club, a grant for fiscal year 2006/2007 in the amount of \$600.

**06-1337 EXPENDITURE/RESOLUTION - COMMISSION DISTRICT 5 -
NORTHERN NEVADA CHAPTER OF THE AMERICAN RED
CROSS - MIZPAH HOTEL - MANAGER**

Upon recommendation of Rita Lencioni, Assistant to the County Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that an expenditure from County Commission District 5

Special Funding Account to the Northern Nevada Chapter of the American Red Cross to provide assistance to the victims of the Mizpah Hotel fire, in the amount of \$1,000, be approved. It was further ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

RESOLUTION
Authorizing the Grant of Public Money to
The Northern Nevada Chapter of the American Red Cross

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, or to a governmental entity, to be expended for a selected purpose; and

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 2006/2007 to make a grant of money to the Northern Nevada Chapter of the American Red Cross to provide assistance to the victims of the Mizpah Hotel fire and that by providing this grant of money, a substantial benefit will be provided to the inhabitants of Washoe County, now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to the Northern Nevada Chapter of the American Red Cross, a grant for fiscal year 2006/2007 in the amount of \$1,000.

06-1338 2007 FEE SCHEDULE - REGIONAL PARKS AND OPEN SPACE -
PARKS

Al Rogers, Regional Parks and Open Space Assistant Director, reviewed the 2007 Fee Schedule as stated in the agenda memorandum dated December 12, 2006. He said staff suggested there not be special fees or discounted rates for non-profit or community groups, specifically Washoe County School District, the University of Nevada, Reno (UNR), and Truckee Meadows Community College (TMCC), which in the past had special rates. He stated this was based on a District Attorney (DA) opinion to consolidate and have one consistent fee for all user groups and not distinguish fees based solely on a group, individual status, or identities. Mr. Rogers added staff attempted to be equitable, efficient, and community minded to encourage citizens to use the programs and facilities along with making them customer friendly.

In response to Chairman Larkin, Melanie Foster, Legal Counsel, explained it was inappropriate for the County to set fees based upon content of speech, which was the point of the opinion. She said a school district was a local government, but that would be a policy decision for the Board on whether or not to enter into an agreement with local governments offering them fee discounts. She said the opinion suggested rules could grant exemptions or change the fees for the use of rooms, provided a set of reasonable

criteria were not applied on the basis of content of speech. Ms. Foster said NRS 244.1505 stated an ability to make a grant to another governmental entity in the amount of a fee could be charged.

Commissioner Galloway asked if a grant were given would it come from the County budget instead of the other governmental entity. Ms. Foster replied the revenue would not come into the budget. She added it would be a grant or a gift.

Commissioner Sferrazza asked if there was a separate document that defined a senior or child. Mr. Rogers replied the senior and junior rates were identified in the programs where the ages were distinguished. He remarked all the fees presented were based on a comparative market value. Mr. Rogers said a senior in the County was defined as 62 years or older and a junior was up to the age of 12. Commissioner Sferrazza questioned the \$500 minimum charge for overnight lodge use at Camp WeChMe. He asked if that was in addition to the \$10 per night per person. Mr. Rogers replied the \$500 fee was the minimum. Commissioner Sferrazza suggested that be clarified on the fee schedule.

Commissioner Weber was concerned the County was not working with the community, and she asked how the County could make facilities more affordable. Ms. Foster explained Homeowner's Associations were different because they were not the types of non-profits that fell within the description the Board was allowed to make gifts to. She said an area discussed was multiple use discounts that would allow groups to book facilities for a year. Commissioner Weber suggested the Board consider multiple use discounts as a possibility. Mr. Rogers stated part of the fee schedule had eliminated some of the incidental fees. He said staff was recommending the County have one single fee that would be equitable for all uses.

Katy Singlaub, County Manager, said staff tried to have operations where the user fees paid for them and were not supported solely by the General Fund.

Mr. Rogers remarked the goal of staff was to have the fees in place as soon as possible since the fees were based on a calendar year. He said financially the County was not in a position where they had to be changed today. He said staff would return to the Board in January 2007 with a thorough package based on the comments heard.

Commissioner Galloway stated he was prepared to approve the fee schedule and have staff return to the Board with amendments.

Doug Doolittle, Regional Parks and Open Space Director, suggested there were other rates and fees that were needed to start marketing efforts. He suggested all the rates in the fee structure could be approved, other than the facilities, then bring that back as a separate item. Chairman Larkin requested this be brought back to the Board the first meeting in January 2007. Mr. Doolittle said staff would look at developing criteria for multiple use fees and continue with the current rate structure until this fee schedule was

approved.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that the current 2006 fee schedule remain in effect until staff returned to the Board during a January 2007 meeting to continue the item.

Commissioner Sferrazza asked if a citizen booked a room for June 2007 would they pay the 2006 rate. Mr. Doolittle stated the requester would pay the prevailing rate at the time of the event.

In response to Commissioner Humke, Mr. Rogers stated the Parks Commission voted unanimously to approve the fee schedule. Commissioner Humke requested the minutes from the Parks Commission meeting.

06-1339 DONATION/RESOLUTION - SURPLUS TREES - UNITED TREE

Upon recommendation of Joe Reinhardt, Interim Fire Chief, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

RESOLUTION

Authorizing the Grant of Surplus Public Property to a Nonprofit Organization Created for Religious, Charitable or Educational Purposes

WHEREAS, NRS 244.1505 provides that Board of County Commissioners may make a donation of surplus public property to a nonprofit organization created for religious, charitable or educational purposes to be used for any purpose which will provide a substantial benefit of the inhabitants of the County; and

WHEREAS, The Board of Commissioners of Washoe County serves *ex officio* as the Board of Directors of Sierra Fire Protection District; and

WHEREAS, The Board has determined that through the management of the Galena Forest by Sierra Fire Protection District, a number of trees must be cut, and that the gift of these trees to a nonprofit organization for use as Christmas trees will provide a substantial benefit to the residents of the County; now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County and the Board of Directors of Sierra Fire Protection District that:

1. The Board hereby grants to the United Way of Northern Nevada and the Sierra, a non-profit organization created for religious, charitable or educational purposes, a grant of 50 Christmas Trees cut from the Galena Forest by the Sierra Fire Protection District fuels management crew.

2. The purpose of the grant is to provide Christmas trees to client agencies and families in Washoe County who may otherwise not have a tree, while also appropriately managing the Galena Forest.

4:52 p.m. The Board convened as the Fire Commissioners for the Sierra Fire Protection District.

6:02 p.m. The Board reconvened with Commissioner Sferrazza absent.

06-1340 **ORDINANCE NO. 1322 – BILL NO. 1501 – AMENDING CHAPTER 5 – CREATING OFFICE OF ALTERNATE COUNTY PUBLIC DEFENDER**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on December 1, 2006 to consider second reading and adoption of Bill No. 1501. 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 Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza temporarily absent, Chairman Larkin ordered that Ordinance No. 1322, Bill No. 1501, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY CREATING THE OFFICE OF ALTERNATE COUNTY PUBLIC DEFENDER AND OTHER MATTERS PROPERLY RELATED THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

06-1341 **COMPREHENSIVE PLAN AMENDMENT CASE NO. CP06-013 – FF-ONE, LLC – PYRAMID MERCANTILE (SPANISH SPRINGS AREA PLAN) – 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 December 1, 2006 to consider Comprehensive Plan Amendment Case No. CP06-013, a request to amend the Spanish Springs Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate Assessor's Parcel Numbers 076-402-01 (12.22-acres ±) and 076-402-02 (12.84-acres ±) from the land use category of General Rural (GR) to Neighborhood Commercial (NC). The subject properties are located at the southeast corner of Pyramid Highway and Calle de la Plata just across from the Spanish Springs Business Park, and approximately 2-miles north of Eagle Canyon Drive and Pyramid Highway. The subject parcels are within the Truckee Meadows Service Area (TMSA), and within the Area of Interest of the City of Sparks, as identified by the 2002 Truckee Meadows Regional Plan, and therefore subject to the Cooperative Planning

standards. The subject parcels are located within Section 19, T21N, R21E, MDM, Washoe County, Nevada. The property is within Washoe County Commission District 4 and within the Spanish Springs Citizen Advisory Board boundary. To reflect changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes include: a revised map series with updated parcel base and revised table of land uses.

In response to Commissioner Galloway, Sandra Monsalvè, Planner, said she had received a phone call from the City of Sparks indicating there was no further direction from the City Council. She indicated staff had not received any phone calls in opposition to this request.

6:07 p.m. Commissioner Sferrazza returned to the meeting.

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

Mike Railey, Jeff Codega Planning/Design, Inc. applicant representative, said he was available to answer questions. Lois Avery, Spanish Springs Valley Ranches Property Homeowners Association representative, stated the Association supported the zoning change, and she discussed why. She addressed the residents concerns with the intersection and their belief this development was the only possibility to correct the problem.

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

Chairman Larkin discussed an e-mail dated December 4, 2006, which was placed on file with the Clerk, from Ken Theiss requesting installation of a traffic light at the intersection of Calle de la Plata and Pyramid Highway.

In response to Commissioner Galloway, Ms. Monsalvè confirmed conditions could not be required under the Comprehensive Plan Amendment, but the anticipated project would require a Special Use Permit that could be conditioned.

Commissioner Sferrazza felt some conditions should be put in the Development Code so there could be conditions that were not part of a Special Use Permit. Commissioner Galloway doubted conditions could be made that general.

Chairman Larkin noted the Spanish Springs Citizen Advisory Board heard this request on two occasions and voted in favor of the land use change both times. He said there was wide community support for the change.

Based on the following findings, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that

Comprehensive Plan Amendment Case No. CP06-013, for FF-One, LLC – Pyramid Mercantile, be approved:

FINDINGS:

1. The proposed amendments to the Spanish Springs Area Plan are in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed amendments to the Spanish Springs Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare.
3. The proposed amendments to the Spanish Springs Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the Washoe County Comprehensive Plan.
4. The proposed amendments to the Spanish Springs Area Plan will promote the desired pattern for the physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
5. The proposed amendment to the Spanish Springs Area Plan is the second amendment to the Spanish Springs Area Plan in 2006, and therefore does not exceed the four permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
6. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
7. 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.

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Chairman be authorized to sign the resolution for the updated Spanish Springs Area Plan after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.

**AMENDMENT OF CONDITIONS CASE NO. AC06-012 –
VARIANCE CASE NO. VA06-0024 (DAVID MOLLENBERG
GRADING) – COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on December 1, 2006 to consider the request of the applicant to modify the approved grading plans and remove two conditions of approval placed upon Special Use Permit Case No. SB04-004 (David Mollenberg Grading) by the Washoe County Board of Commissioners during their September 26, 2006 action to modify the Special Use Permit in lieu of revocation of the permit for cause, specifically grading in excess of that permitted. The applicant is requesting to allow the building pad to be lowered to the elevation of 5,016 feet instead of the approved 5,020 feet, to eliminate the requirement for temporary irrigation for revegetation areas and required trees, and the modification of grading within and placement of fill material within the natural drainage way to the north of the building pad.

In addition, the public hearing was to consider Variance Case No. VA06-0024 (David Mollenberg Grading), a request from the applicant to vary the maximum final slope adjacent to a proposed driveway to access a single-family residence and adjacent to the building pad from 2:1 horizontal to vertical to 1:1 horizontal to vertical.

Roger Pelham, Senior Planner, discussed the requests before the Board and the staff recommendations as contained in the staff report dated November 22, 2006. He indicated the Board of Adjustment (BOA) would normally hear a variance request, but since there were two actions coming forward at the same time on the same case they both go before the higher board for review.

In response to Commissioner Galloway, Mr. Pelham confirmed mechanical stabilization would be required, but it could be achieved without a retaining wall.

Commissioner Galloway felt filling in the natural drainage way was bad policy. He asked if the fill issue was because the pad was cut down an additional four feet and the material was never removed from the site. Mr. Pelham said the fill material was pushed off the pad site and down the northern slope. He indicated the drainage way was at the bottom of the slope. He said the fill would end up in the drainage way if the applicant does not do something with it. Commissioner Galloway strongly objected to that happening.

In response to Commissioner Humke, Mr. Pelham replied the Southeast Truckee Meadows Citizen Advisory Board (CAB) indicated they would go along with the staff recommendation on the temporary irrigation, Condition 8. He said the CAB did not support the applicant's request because they had not been provided with any credible reason to remove the irrigation condition. He stated the CAB felt, regarding Condition 21, the building pad should be returned to its originally conditioned elevation. He indicated his was a compromise position.

Commissioner Galloway asked if the berm idea could be implemented with a provision to properly drain the parcel. Mr. Pelham said the grading, including the berm, would have to be approved by Engineering.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the amendment and/or variance.

Ken Krater, consultant to Mr. Mollenberg, indicated he conceived the berm to visually raise the pad elevation. He said the view of the residents down below would be blocked by the dwelling setback and the berm. He stated Julie Etra, Western Botanical Services, felt the temporary irrigation would encourage noxious grasses and weeds. He said Ms. Etra claimed she had been successful in re-vegetating slopes such as this without using temporary irrigation since 1989. Mr. Krater said the drainage way was already disturbed when Mr. Mollenberg started working on the grading, and it would take work to restore it one way or another. He said the County Engineer wanted the drainage way to be rock rip-rap to avoid erosion within the drainage way. Mr. Krater said his major concern was with 1,000 to 1,500 truck trips on Pembroke Drive that would result if the fill had to be hauled away, and he discussed what those impacts would be to Pembroke Drive. He said, after discussions with County Engineering, staff felt the fill could be dealt with successfully but were hesitant to recommend approval because it would set a precedent by filling in a drainage way. He stated he had two civil engineers who were willing to stamp the plans and put their necks on the line to say this could be done, which would avoid costs and impacts to the County.

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

In response to Commissioner Humke, Mr. Pelham said the County could not predict what could happen in the future. He stated the County Engineer's letter indicated the fill would have a short lifespan in comparison to a natural drainage way even with proper construction techniques. He indicated material could be transported downstream to fill culverts, which could require additional maintenance by the County.

Commissioner Humke asked Mr. Pelham if the County bore the cost of mitigation, how would the County recover those costs. Mr. Pelham affirmed the County incurred the costs of cleaning out culverts, and he did not have an answer on recovering those costs.

In response to Commissioner Galloway, Mr. Pelham said the County Engineer's letter stated full time inspection of the fill would be required by a licensed geotechnical engineer. He said the engineer would need the authority to control construction activities to ensure the material was placed in accordance with specifications and fill certification would be required. Mr. Pelham explained there would a channel on top instead of a culvert, and the proposed fill would be 600 feet long within the drainage channel and approximately 19 feet at its deepest point. Commissioner Galloway said he

did not see much gain from this approach. Mr. Pelham replied a lot of material would have to be removed because there was more material than could be placed back on the building pad.

In response to Chairman Larkin, Mr. Pelham replied the runoff from the drainage way flowed into a County maintained storm channel, Steamboat Creek, just east of Pembroke Drive and Man of War Drive. Chairman Larkin stated that channel was an identified flood way, and the community was spending a lot of money to keep it clean. He said the applicant was asking to put materials into the channel that the rest of the community was being asked to keep clean. He indicated that was not acceptable.

Commissioner Galloway commented the winter season would provide some water for irrigation. He asked if some other kind of seed mix would be planted to compete against the cheatgrass if the applicant were allowed to dispense with the temporary irrigation. Mr. Krater replied shrubs and trees would be planted, which was what was on the hillsides prior to the grading activities. He said there had been very little grass on the slopes. Commissioner Galloway asked if trees would survive without putting in temporary irrigation. Mr. Krater replied the idea was to put in drought tolerant native and hearty specimens during the winter season to take advantage of the rains and snows so they would be established prior to summer.

Commissioner Galloway commented the plantings failed at Hunter Creek Reservoir because of failures in the irrigation system. Mr. Krater said Ms. Etra was a highly respected revegetation specialist who had worked in the area for years. Commissioner Galloway said Sierra Pacific had to redo the whole temporary irrigation system and replant everything because of the failure of the first system. He said it took three years to get the shrubs established on the steep slope.

Chairman Larkin asked if Mr. Krater could name any of Ms. Etra's successes within the immediate community where temporary irrigation was not used. Mr. Krater said he could not, but he knew she had done a lot of work in this area.

Commissioner Humke stated a compromise was reached with the applicant some time ago that he felt the applicant should live up to.

Commissioner Galloway said he understood Commissioner Humke's indignation over what was happening to the residents in his district, but he was willing to support the staff recommendation. He stated he did not agree with filling in the drainage way or suspending the temporary irrigation.

Chairman Larkin asked if the Commissioners had any further work they wanted to do on this item. There was no response and no action was taken.

06-1343 LIST OF CLAIMS INDICATING ALLOWABLE BILLS – FISCAL YEAR ENDED JUNE 30, 2006 – COMPTROLLER

Upon recommendation of Trish Gonzales, Acting Comptroller, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the list, which was placed on file with the Clerk, of all Washoe County claims indicating bills allowed by the Board of County Commissioners for the fiscal year ended June 30, 2006 in the amount of \$535,572,109.78 be accepted and the Comptroller's Office be directed to present the list one time for public record in a newspaper published in Washoe County per NRS 354.210.

06-1344 INTERLOCAL AGREEMENT – LAKE TAHOE BIKE PATH PROJECT – PARKS

Chairman Larkin said Washoe County entered into a Memorandum of Understanding (MOU) in 2004 with Carson and Douglas Counties that made Washoe County responsible for the overall coordination of the Lake Tahoe Bike Path project. He asked if the Regional Parks and Open Space Department would be the lead. Katy Singlaub, County Manager, replied they would.

In response to Chairman Larkin, Doug Doolittle, Regional Parks and Open Space Director, replied this was taking the previous MOU to a higher level. He stated it clearly outlined what the other agencies and the County needed to provide to further the project. He said all of the agencies involved had some level of responsibility for the project. He stated after this agreement was approved, the funding needed to be accepted (Item 14, 06-1345), and a contract to do the work approved (Item 15, 06-1346).

Upon recommendation of Kristine Bunnell, Regional Parks and Open Space Park Planner, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County, Carson City Parks and Recreation Department, Douglas County Parks and Recreation Department, Nevada Department of Transportation, Nevada Division of State Lands, State of Nevada Division of State Parks, Tahoe Regional Planning Agency, Tahoe Transportation District, United States Department of Agriculture Forest Service-Lake Tahoe Basin Management Unit, and Incline Village General Improvement District concerning the implementation of the Lake Tahoe Bike Path Project be approved and the Chairman be authorized to execute the agreement upon presentation.

06-1345 ACCEPT GRANT – NEVADA DIVISION OF STATE LANDS, CONSERVATION AND RESOURCE PROTECTION (Q-1) GRANT PROGRAM – PHASE 1 STUDY – LAKE TAHOE BIKE PATH PROJECT – PARKS

Katy Singlaub, County Manager, said the County match of \$146,956 was met through previously constructed bicycle and pedestrian projects in Incline Village.

In response to Chairman Larkin, Doug Doolittle, Regional Parks and Open Space Director, replied accepting this funding needed to be done after approval of the Interlocal Agreement (Item 13, 06-1344). He said the money would be funneled through the Tahoe Regional Planning Agency (TRPA) to hire the contractor (Item 15, 06-1346).

Upon recommendation of Kristine Bunnell, Regional Parks and Open Space Park Planner, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the grant in the amount of \$146,956 from the Nevada Division of State Lands, Conservation and Resource Protection (Q-1) Grant Program to complete the Phase-1 study for the Lake Tahoe Bike Path Project be accepted and the Regional Parks and Open Space Director be authorized to execute all appropriate grant related documents. It was further ordered that the Finance Division make the following financial adjustments:

| Account Number | Description | Amount |
|-------------------------------|---------------------------|-----------|
| Increase Revenue: | | |
| Internal Order IN19020-432100 | State Grants | \$146,956 |
| Increase Expense: | | |
| Cost Center 900420-710400 | Payment to Other Agencies | \$146,956 |

06-1346 AGREEMENT – TAHOE REGIONAL PLANNING AGENCY – LAKE TAHOE BIKE PATH PROJECT – PARKS

In response to Chairman Larkin, Doug Doolittle, Regional Parks and Open Space Director, replied the Interlocal Agreement needed to be approved (Item 13, 06-1344), the funding accepted (Item 14, 06-1345), and then the money would be funneled through the Tahoe Regional Planning Agency (TRPA) for them to hire the contractor. He said TRPA had gone through an extensive process to identify the contractor who had a team onboard ready to go. He indicated the Phase-1 project included mapping, field reconnaissance, developing preliminary alignments, cultural assessments, and preliminary engineering for two test projects. He said one project was located in Douglas County and one in Washoe County.

In response to Commissioner Galloway, Mr. Doolittle said this does not build the project. He stated it puts forward the planning effort for the two test projects, and there would be requests for additional funding for those projects. He indicated State Lands would only spend money on a planning effort if it was tied to a test project(s) that could be seen and reviewed. He explained the Washoe County segment of the path would go from the end of Lakeshore to Sand Harbor, which he felt would be a very high demand route. He stated there were two segments in Washoe County with significance: one from Incline Village to Sand Harbor and one from Incline Village to Crystal Bay.

Upon recommendation of Kristine Bunnell, Park Planner, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the funding agreement between Washoe County and the

Tahoe Regional Planning Agency (TRPA), allowing TRPA to contract directly with the consultant to complete Phase-1 of the Lake Tahoe Bike Path Project, be approved and the Chairman be authorized to execute the agreement upon presentation.

06-1347 AWARD OF BID – ROADS DRY STORAGE BUILDINGS – PUBLIC WORKS

This was the time to consider award of the bid for the Roads Dry Storage Buildings for the Public Works Department.

Bids were received from the following vendors:

Bison Construction
Reyman Bros Construction
K-W Western
GuiDenby, Inc.
Building Solutions

Katy Singlaub, County Manager, explained the contingency fund had been supplemented by carryover funds, which were salary savings from last year.

Chairman Larkin asked if this should be coming out of Water Resource funds rather than contingency. Roger Van Alyne, Public Works Deputy Director, replied the dry storage building had to be razed for the new water treatment plant when the deal was struck with Water Resources. He said it was not felt Water Resources caused the delay, so staff had not asked Water Resources for the additional money.

In response to Commissioner Galloway, Mr. Van Alyne replied the existing building was not suitable for relocation because it was very badly corroded after starting life as a salt shed. He stated salted sand would not be put into the new structures.

Upon recommendation of David Solaro, Capital Projects Division Director, and Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the transfer of up to \$160,254.78 from the General Fund Contingency Account to the Public Works Construction Fund be approved; the Budget Division be authorized to make the appropriate budget adjustments; the Base Bid and Alternate B for construction of the Roads Dry Storage Buildings be awarded to the lowest responsive and responsible bidder, K-W Western, in the amount of \$301,481; and the Chairman be authorized to execute the contract documents upon presentation.

**SOLE SOURCE CONTRACT – PRISM SYSTEMS
CORPORATION – DETENTION FACILITY DOOR CONTROL
SYSTEM UPGRADE – PUBLIC WORKS**

In response to Chairman Larkin, Roger Van Alyne, Public Works Deputy Director, said this was the same contractor that was working on the jail expansion, which was the reason they were chosen. He stated the two systems would integrate to control the facility, and staff did not want two companies pointing fingers if there was a problem. He said the new facilities at the jail would have the same area control systems that open and close the doors as the other areas, and everything was being upgraded at one time.

Chairman Larkin asked if the jail expansion was competitively bid or was it also a sole source contract. Mr. Van Alyne explained this contractor was a subcontractor for the jail expansion. Chairman Larkin asked if the general contractor required the subcontractor to competitively bid. Mr. Van Alyne replied he did not know that for sure. He indicated, in his experience, general contractors had a similar, but less formal process, and usually took the lowest price. Chairman Larkin said he did not want to have a problem with this project and a problem at the jail. Mr. Van Alyne said he hoped that would not happen, but having one vendor would make things simpler. Chairman Larkin indicated he understood that, but he was not sure the County would get a better quality product.

In response to Commissioner Galloway, Mr. Van Alyne said any comparisons would not be accurate because one system was brand new in a brand new facility and one was in an existing facility that was being traded out. David Solaro, Capital Projects Division Director, said the only comparison staff had was the schedule of values submitted by the general contractor on the expansion project. He said there was no per door comparison; however, it did appear the pricing was inline with what was being paid for the jail expansion. He agreed making a comparison was difficult because it was new versus existing construction, but the difference seemed reasonably higher than what was being paid for the new construction.

Commissioner Galloway commented Windows 95 was no longer supported only thirteen years after being introduced. He expressed concern that this system used Windows XP, and he asked if there was any idea what would happen if Windows XP was not supported in 2014. Mr. Solaro said the most current system was being used, but he could not confirm it would be supported forever.

Commissioner Galloway said he was worried a failure to support the software, even if everything else worked fine, would force redoing this in 2014. He asked if there was another way other than tying a simple thing into something that was so complex. Mr. Van Alyne said opening and closing doors was only one thing the system did. He said technology would always advance; and the County would, in time, have to update this system as it did with all of its systems. Commissioner Galloway asked if the hardware could be salvaged. Mr. Van Alyne replied that would depend on the available technology at the time. Commissioner Galloway indicated he did not like that situation,

and he wanted something bid that could be supported in-house for a longer time. He asked if the County could go on using an unsupported system. Mr. Van Alyne replied using unsupported systems created tremendous problems because the computers in use now no longer have technology that is available.

Craig Harrison, Telecommunications Manager, said the problem was there were no new replacement computers available that would operate Windows 95. He indicated used computers have been purchased for the last three to four years.

Katy Singlaub, County Manager, stated the safety of the jail personnel was involved even though it seemed to be a simple task of opening and closing doors.

Commissioner Galloway apologized for oversimplifying the issue, but he felt whatever the software did it should continue to do regardless of some corporation deciding not to support it. He said he did not want to see perfectly good hardware wasted in 2014 because of the support issue. Ms. Singlaub replied staff did not disagree, but they did not have a way to change corporate practices. She indicated it was a very frustrating and expensive situation. Commissioner Galloway urged staff to buy and store more computers capable of running Windows XP, and to look for a long-term solution to this situation.

Commissioner Sferrazza said he did not understand why this was not being bid. Mr. Van Alyne replied staff was asking permission to go this route to ensure interoperability between the new and existing areas. He reiterated that would allow the County to go to one entity if there was a problem. He explained two complete area control sections of the detention center were being changed out, and all of the doors would be run by the new system. Commissioner Sferrazza indicated he could not in good conscience vote for this item.

Chairman Larkin stated Mr. Van Alyne should sense the Commissioners were not happy on sole sourcing this type of a project, but he was trusting staff had done due diligence with this contractor.

Upon recommendation of David Solaro, Capital Projects Division Director, and Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that the transfer of up to \$195,700 from the General Fund Contingency Account to the Public Works Construction Fund be approved; the Budget Division be authorized to make the appropriate budget adjustments; the award of the sole source contract to Prism Systems Corporation in the amount of \$900,700 be approved; and the Chairman be authorized to execute the contract documents upon presentation.

**ACQUISITION AND REMODELING – 224 AND 230 EDISON
WAY – RESOLUTION – INTERFUND LOAN – PUBLIC WORKS**

Katy Singlaub, County Manager, said staff had conducted a review to determine the cost benefit and found leasing this property would have a projected cost of \$39.3 million with a net present value of \$21.8 million, and the projected cost to own the properties was \$18.9 million with a net present value of \$12.7 million. She stated this would save the County approximately \$9.1 million over the projected life of the facilities. She stated the acquisition was consistent with previous direction to own rather than lease the facilities.

In response to Chairman Larkin, Ms. Singlaub said the appraised value was \$16,000 higher than the purchase price, which was a deal for the County. She said the seller had also granted the County a \$130,000 credit for roof repairs.

Upon recommendation of Roger Van Alyne, Deputy Public Works Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the acquisition and remodeling of 224 Edison Way and 230 Edison Way for a sum not to exceed \$4,600,000 be approved; the Public Works Director be authorized to execute all agreements, notices, escrow instructions, deeds, check and warrants as may be necessary to accomplish the acquisition of the subject properties in the name of and on behalf of Washoe County; the following Resolution be approved, and the Chairman be authorized to execute the same:

RESOLUTION

**A RESOLUTION AUTHORIZING AN INTERFUND LOAN – GENERAL FUND
(1001) TO THE PUBLIC WORKS CONSTRUCTION FUND (4002)**

WHEREAS, the General Fund (Fund 1001) has sufficient cash resources to finance a short-term interfund loan in an amount not to exceed \$4,600,000 without adversely affecting its cash needs; and

WHEREAS, the Public Works Construction Fund of the County (Fund 4002) is in need of a short-term loan to cover expenses until receipt of bond proceeds for the acquisition of 224 and 230 Edison Way; and

WHEREAS, the short-term loan will not in any way have an adverse or deleterious effect upon the General Fund (1001) or the Public Works Construction Fund (4002); now, therefore, be it

**RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF WASHOE IN THE STATE OF NEVADA:**

Section 1. The County Comptroller is hereby directed to transfer in amounts as needed, up to \$4,600,000, from the General Fund (1001) to the Public Works

Construction Fund (4002) until bond proceeds are received, and make appropriate accounting entries.

Section 2. The cash interfund transaction for this loan is as follows:

| Public Works Construction Fund (4002) | Increase | Decrease |
|---|-------------|-------------|
| Cash | \$4,600,000 | |
| Due to General Fund | | \$4,600,000 |
| General Fund (1001) | | |
| Cash | | \$4,600,000 |
| Due from Public Works Construction Fund | \$4,600,000 | |

Section 3. The term of the interfund loan shall commence on the day of the first transfer and will be repaid upon receipt of the bond proceeds.

Section 4. Interest will not be charged.

Section 5. The Resolution shall be effective upon passage and approval.

Section 6. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, the Comptroller, the Budget Division and the Department of Public Works Administration Division within 30 days.

It was further ordered that the Finance Department be directed to make the appropriate budget adjustments and to begin the medium term financing process.

06-1350 RIGHT OF ENTRY/EASEMENT AGREEMENT – RIGHT OF WAY APPLICATION – RENO-SPARKS INDIAN COLONY – WATER RESOURCES

Katy Singlaub, County Manager, indicated the following phrase was modified in the agreement during the agenda review process "... authorize a stormwater connection fee and monthly fee credits (\$147,000); and authorize compensation (\$213,543) in lieu of construction/installation of a 30-foot wide access across the flood control channel associated with the North Spanish Springs Floodplain Detention Facility."

Chairman Larkin stated the County was paying the Reno-Sparks Indian Colony in lieu of constructing the 30-foot wide access across the flood control channel. He asked what would happen if the Colony chose not to construct the access and it floods. Jeanne Ruefer, Water Resources Planning Manager, replied the access was essential for the Colony to use that property. She said they would have to build the access, but it was a matter of when and where.

In response to Commissioner Sferrazza, Ms. Ruefer recollected the cost of construction would be approximately \$12 a square foot.

In response to Commissioner Galloway, Ms. Ruefer said the original 1999 agreement with the Colony included paying the appraised value for the channel easement; and, when the County built the channel, the County would provide a 30-foot wide access to the Colony property across the channel. She stated the Colony suggested the County pay them the cost of building the access, and they would build it at their convenience after they determined where to put it. She said it was reviewed by the County's contractor, then by Public Works staff, and the Colony had their own estimate done. She said the County still had full access to the ditch, and the County had a maintenance road on each side of the channel.

Upon recommendation of Ms. Ruefer, on motion by Commissioner Sferrazza, seconded by Chairman Larkin, which motion duly carried, it was ordered that the Chairman be authorized to execute the Right of Entry/Easement Agreement and the Right of Way Application between Washoe County and the Reno-Sparks Indian Colony; the payment of the 2002 appraised amount of \$293,000 pursuant to the September 28, 1999 agreement be approved; the stormwater connection fee and monthly fee credits in the amount of \$147,000 and compensation in the amount of \$213,543 in lieu of construction/installation of a 30-foot wide access across the flood control channel associated with the North Spanish Springs Floodplain Detention Facility be authorized.

**06-1351 SETTLEMENT OF INVERSE CONDEMNATION COMPLAINT –
EAGLE PEAK, INC. AND MARK LIEBSCH – COUNTERCLAIM
OF CONDEMNATION – WATER RESOURCES**

Jeanne Ruefer, Water Resources Planning Manager, said this was a settlement agreement that was reached with the property owner instead of going to court. She stated the \$375,000 included the property owner's attorney fees and other incurred fees.

In response to Commissioner Sferrazza, Mr. Ruefer indicated the property was approximately 13,000 square feet and trying to arrive at a square footage cost from the \$375,000 would be difficult because of the other included costs.

In response to Chairman Larkin, Ms. Ruefer said the property was critical to the Spanish Springs Floodplain Detention Facility because it was the other half of the channel for which the Board had already approved the easement. She said the project could not be built without this property.

Commissioner Galloway asked if the property owner would have any remaining use for the property. Ms. Ruefer replied the property owner could have setbacks and landscaping. She said the County had purchased the property fee-simple through the settlement.

Chairman Larkin calculated the square footage cost was approximately \$28 a square foot.

In response to Commissioner Sferrazza, Ms. Ruefer said there were several appraisals done on the property. She said the appraised value was approximately \$13 a square foot, which was disputed by the property owner.

Upon recommendation by Ms. Ruefer, on motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried with Commissioner Sferrazza voting “no,” it was ordered that the Settlement of the Inverse Condemnation Complaint filed by Eagle Peak, Inc. and Mark Liebsch against Washoe County and the related Counterclaim for Condemnation filed by Washoe County be approved.

**06-1352 RECOMMENDATION – TRUCKEE MEADOWS REGIONAL
PLANNING COMMISSION – SILVERWING DEVELOPMENT –
AMENDMENT – WASHOE COUNTY TRUCKEE MEADOWS
SERVICE AREA – COMMUNITY DEVELOPMENT**

Bill Whitney, Senior Planner, said the Board was being asked to make an advisory recommendation to the Regional Planning Commission (RPC) regarding a request to move three parcels out of the City of Sparks Sphere of Influence (SOI)/ Truckee Meadows Service Area (TMSA) and into the County TMSA.

Mr. Whitney said the property owners had discussions with the City of Sparks concerning development of their property under the City’s jurisdiction and had decided they would prefer developing it under the County. He discussed the property’s designation, location, development constraints, and that the property had the potential of receiving service from the Sun Valley General Improvement District (GID). He stated the question was under what jurisdiction did it make sense to develop the property. He said that should be the focus of the recommendation to the RPC. He discussed the background of this request and the TMSA boundaries as contained in the staff report dated November 28, 2006.

Mr. Whitney reminded the Board that potential changes to the property’s land use designation or project specifics were not part of the application. He said comments and recommendations from the County were advisory and would be forwarded to the RPC.

In response to the call for public comment, Margaret Powell, City of Sparks Planner, said the Sparks City Council supported the change of these properties to the County’s TMSA with qualifications. She said the first qualification was the hole in the donut would also be included so there would not be a non-contiguous piece of the City, and would allow one body to efficiently provide services to all four pieces. She indicated that would make the boundary change to 56 acres instead of 46 acres. She stated the second qualification was that the City of Sparks and Washoe County enter into an agreement regarding the City of Sparks’ participation and approval of mitigation or impacts on the detention dam and the associated flood pool when development is proposed adjacent to them. She stated there was concern that the primary access was

from the City of Sparks when the property owner originally came to them to be included in their TMSA. She said that access would have been through the detention dam or across the flood pool. She said the properties should be included in the Washoe County TMSA since the primary access would be from Sun Valley.

Chairman Larkin asked if this proposal conformed to the post-settlement individual landowner process for TMSA changes. Ms. Powell replied it did conform to the agreed process.

Commissioner Weber commented it made sense to include the whole 56 acres, including the island, in the County's TMSA. She commented the Sun Valley Citizen Advisory Board supported this transfer.

Ms. Powell stated one Councilmember stated his concern that development needed to be done carefully because it was on a hillside.

Adrian Freund, Community Development Director, concurred with Ms. Powell that the Interlocal Agreement was a good idea and the whole 56 acres should be transferred from the City of Sparks jurisdiction to the County's jurisdiction.

Commissioner Weber motioned that the Board of County Commissioners support the recommendation of an Interlocal Agreement between Washoe County and the City of Sparks recognizing the entire 56 acres would be transferred into Washoe County's TMSA and that the County would work with the City of Sparks and the developer in recognizing there would be hillside development.

In response to Chairman Larkin, Melanie Foster, Legal Counsel, stated the Board could act on the three parcels. She said the Board could express its opinion that the fourth parcel would have been included if it was agendized to do so. She stated it could be brought back to the Board if formal action was required.

In response to Chairman Larkin, Mr. Freund felt with the record of the Sparks City Council request that all of the acreage be transferred and the Board's suggestion that they wanted it done, it was okay to make that recommendation to the RPC.

Upon recommendation of Mr. Whitney, on motion by Commissioner Weber, seconded by Chairman Larkin, which motion duly carried, it was ordered that the recommendation to the Truckee Meadows Regional Planning Commission be to include Assessors Parcel Numbers (APN's) 035-023-06, 035-023-08, and 035-023-09 within Washoe County's Truckee Meadows Service Area boundary and to express the Board's intent to include the fourth parcel, APN 035-023-07.

06-1353

**RECOMMENDATION – TRUCKEE MEADOWS REGIONAL
PLANNING COMMISSION – SUSANNE LARSEN –
AMENDMENT – WASHOE COUNTY TRUCKEE MEADOWS
SERVICE AREA – COMMUNITY DEVELOPMENT**

Patti Bakker, Planner, said this item concerned an application to request amendment to the Truckee Meadows Service Area (TMSA) boundaries by including a parcel within the boundaries. She identified the parcel, the proposed new TMSA boundary, and clarified its distance from the Pyramid Highway. She discussed the background of this request and the Washoe County Planning Commission's vote as provided in the staff report dated November 22, 2006.

In response to Chairman Larkin, Ms. Bakker replied the Spanish Springs Citizens Advisory Board (CAB) recommended the property not be included in the County's TMSA because there was no information regarding future development. She stated staff recommended inclusion because it would make a clear and logical boundary, utilities were in close enough proximity so they could be reasonably extended, and the property was within the Spanish Springs Suburban Management Character Area.

Chairman Larkin asked if inclusion in the County's TMSA could lead to an entitlement of subdivision for that property. Ms. Bakker said any future development would have to go through the Comprehensive Plan Amendment process. Bill Whitney, Senior Planner, said inclusion in the County's TMSA would increase the property's development potential.

In response to Chairman Larkin, Ms. Bakker said the minimum lot size to the east was 40 acres. Chairman Larkin said he was curious that staff was recommending inclusion because the character out there was 40 acres. He stated history had shown the reason to include a piece of property in TMSA was to subdivide, but that was speculative without the owner being here to state what the intent was.

Adrian Freund, Community Development Director, clarified the parcels abutting the property to the east were 10-acres, and he indicated which properties were vacant. He said the parcels were non-conforming General Rural (GR) parcels. He explained there would have to be municipal services to develop anything more intense than five-acre lots, which was the reason for wanting inclusion in the County's TMSA.

Commissioner Galloway said when the County entered into the settlement the Cities claimed the County already had too much area, which this would increase. He asked if this could be considered an attempt to renege on the agreement. Mr. Freund replied the County had significantly reduced the number of acres in its TMSA as part of the Settlement Agreement. He said it was agreed the County would have the flexibility to include relatively small parcels. Commissioner Galloway said he was concerned where the line would be drawn. Mr. Freund said there was a lot of consideration regarding that issue in the area plan. He felt the ultimate logical boundary was to square off the notch.

He indicated this was the only property owner that had come forward to request inclusion.

Mike Harper, Planning Manager, said the property was within the Spanish Springs Suburban Character Management Area, which was intended to have denser development as the community grew. He said this particular property was left out of the TMSA when it was adopted by the Regional Planning Agency, but was included as part of the Board's policy decision to be available for future development. He said this could be looked at as rectifying a mistake, which the applicant recognized by bringing this application forward.

In response to Commissioner Galloway, Mr. Harper confirmed this was the only parcel that was within the Spanish Springs Suburban Character Management Area that was left out of the TMSA.

In response to the call for public comment, Kevin Verre, Susanne Larsen's representative, stated she was not currently looking at any development, but wanted to keep entitling as she goes on.

Chairman Larkin asked if property would be more valuable if it was put into the County's TMSA. Mr. Freund replied some owners that had been proposed for removal from the TMSA indicated being in the TMSA had the potential to enhance the value of their property. He did not know whether or not the property value increased from the Assessor's viewpoint.

Chairman Larkin said the CAB in his district did not favor this change and the Planning Commission made a technical denial. He stated one of the members who voted no was his appointee, and he needed to honor that person's opinion. He said this parcel conceivably could be subdivided, which would change the character of the 10-acre parcels in the area. He indicated he found it difficult to vote in favor of including the property in the County's TMSA without a specific proposal from the owner.

Commissioner Weber commented one of the points made by a member of the Planning Commission was that the subject property was too far off the corridor.

Commissioner Humke said he could only conclude the property would be subdivided into an urban style subdivision, which he did not feel was desirable for the area.

Commissioner Galloway felt if this was put into the County's TMSA there would be some pressure to make the lots smaller than one acre. He indicated he would defer to the opinion of the Commissioner whose district this was in. Commissioner Sferrazza agreed.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber voting "no," it was

ordered that the Board of County Commissioners recommend denial of the application to include Assessors Parcel Number (APN) 076-401-19 within Washoe County's Truckee Meadows Service Area boundary to the Regional Planning Commission.

**06-1354 APPLICATIONS PRIORITIZATION – SAFETEA-LU
ENHANCEMENT FUNDS FOR 2007/08 – COMMUNITY
DEVELOPMENT**

Mike Harper, Planning Manager, said there were only three projects, all located in the Lake Tahoe Basin, that staff was proposing to apply for Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for User (SAFETEA-LU) Enhancement Funds for 2007/08. He indicated the proposed projects needed to be \$600,000 or less and have a logical beginning and end, which made it difficult to identify any project outside the Lake Tahoe Basin that met those limitations. He stated the projects were based on the Recreation Opportunities Map the Board approved after considerable input from citizens in the Incline Village/Crystal Bay area.

Mr. Harper felt it was unfortunate the \$600,000 limitation created a problem. He said staff had asked the County's representative to the Technical Advisory Committee to ask for an increase to the \$600,000 limitation or that the total of \$1.2 million be allowed to be spread over two years. He said almost every applicant in the State was wrestling with this problem.

Mr. Harper said staff needed the Board's recommendation today because the applications needed to be made by Friday, December 15th. He indicated the failure to submit the applications would result in the County being cut out of a two-year cycle because the Nevada Department of Transportation (NDOT) was only accepting applications every other year. He commented the funding was smaller this year than in past years. He stated staff felt the applications would qualify and would have a chance to be funded. He explained NDOT was requiring the projects be prioritized, and he reminded the Board the projects were based on the highest priorities represented in the Recreation Opportunities Map for the Lake Tahoe Basin.

Commissioner Sferrazza asked if there was any section of the Truckee River Bike Path in the unincorporated County that could be built for under \$600,000. Mr. Harper replied a preliminary request was submitted in July 2006 and NDOT indicated that none of the projects outside of the Lake Tahoe Basin were meeting the standards. Commissioner Sferrazza asked the bike path be looked at again for the next go around because he was sure sections could be built for under \$600,000. Mr. Harper reiterated the projects had to have a logical beginning and end.

Commissioner Galloway asked if the coverage problem had been resolved. Mr. Harper replied with a qualified yes. He said the agency had been more liberal evaluating what was park coverage rather than developed coverage, which was one of the reasons coverage did not have to be purchased for the extension of the bike path along State Route 28.

Commissioner Galloway said he had no problem with the three proposed projects, but he asked if there was community interest in the path going east on Incline Way. Mr. Harper explained the project was not included because it had a lower priority. He said it would be submitted next if the three current projects were selected for funding, but he did not know if it would qualify under the current restrictions.

Commissioner Galloway said he favored the Incline Way Pedestrian Facility project as having the highest priority.

Chairman Larkin said there were a number of projects funded by the Transportation Equity Act for the 21st Century (TEA-21), so the County had been at this awhile. He asked if there was an explanation on why this was before the Board only four days away from the deadline. Mr. Harper replied the preliminary applications were submitted in July and responses were received in late September. He said there were challenges on several of the cost estimates that had to be reconfirmed. He indicated staff would be looking at potential projects a year ahead of the application dates from now on. Chairman Larkin said he would like to see more involvement than just the Community Development and Regional Parks and Open Space Departments. At a minimum, he would like to see the Open Space and Regional Parks Commissioners involved because he knew there were at least two projects in Spanish Springs with a logical beginning and ending. Mr. Harper replied the projects had to be in an adopted plan; something could not be proposed just because it seemed like a good idea. He said all of the newer area plans now included a Recreational Opportunities Map.

Upon recommendation by Mr. Harper, Clara Lawson, Licensed Engineer, and Don Morehouse, Planner, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that the 1) Incline Way Pedestrian Facility, 2) Tanager Street Pedestrian Facility, and 3) Village Boulevard Bike Path applications for SAFETEA-LU Enhancement Funds for 2007-08 be submitted to NDOT and the Tahoe Metropolitan Planning Organization (TMPO) in the priority indicated.

8:12 p.m. The Board temporarily recessed.

8:33 p.m. The Board reconvened with all members present.

06-1355 **INFILL INCENTIVE PROPOSALS – COMMUNITY DEVELOPMENT**

Adrian Freund, Community Development Director, noted this item was continued from the November 28, 2006 meeting. He said staff needed specific guidance on the infill incentives to report to the Regional Planning Governing Board (RPGB) on Thursday, December 14, 2006. He said virtually all of the infrastructure investments in water facilities the County had made in the downtown area, including a number within the McCarran ring, were contributions to infill. He stated the Board had requested the

topic be refocused away from the Regional Plan Settlement Agreement and towards the County's adopted strategic priorities, as outlined in the staff report dated December 4, 2006. He discussed the infill proposals as contained under Previous Action in the staff report. He stated the Regional Transportation Commission (RTC) indicated one third of the \$1 million operating cost for the Sierra Spirit bus had to come from outside sources. He said with this grant and with funding from the University of Nevada, Reno, the RTC probably had \$230,000 of the \$330,000 needed.

Mr. Freund said he received feedback from the North Valleys Citizen Advisory Board (CAB) regarding the County-owned land on North Hills Boulevard. He stated the CAB did not favor transferring the site over to the City of Reno nor did they favor the County soliciting proposals for 30 to 40 percent below market rate units. He said they wanted to see the parcel remain undeveloped so it could, to some extent, be a buffer between the residential neighborhoods and the highway and to not exacerbate traffic congestion in the area.

Mr. Freund felt there could be other possibilities that had not been quantified such as creating a downtown broadband wireless net.

Mr. Freund said RPGB adopted amendments to the 2002 Regional Plan in July 2006 that provided the County with more flexibility to support infill and compact growth and development. He stated the concurrency amendments were also important. He explained the County could only provide bedroom communities under the previous limitations of the Regional Plan, not whole communities. He indicated there was a market for bedroom communities, but they would not help the County reach a job/housing balance or its trip reduction goals. He stated the County now had the ability to provide supporting retail services and employment, and he mentioned some examples. Mr. Freund said there was a better opportunity to support transit goals because of the ability to have significantly higher densities with attached housing and mixed use, and he discussed the opportunities for infill that exist outside of the McCarran ring.

Mr. Freund addressed the Regional Plan Update Technical Advisory Committee (RPUTAC) proposed 2002 Regional Plan amendments. He said the Plan had a set of priorities for directing development to the centers and corridors, but it no longer had a specific infill boundary. He stated it was up to local communities to designate infill and redevelopment opportunities through their master plans, and he cited some examples. He read the new goal of the County as contained in the draft of the Regional Plan and discussed the Truckee Meadows Service Area as addressed in the staff report. He said the new Plan allowed local governments to designate secondary transit corridors to support the primary transit oriented development (TOD) corridors.

Commissioner Galloway asked, in spite of the opposition of the North Valleys CAB, if mixed-use affordable or moderate-income housing could be buffered by the same techniques as feathering or edge matching. Mr. Freund said the two parcels combined were about 13 acres. He said the problem was there was a new housing development immediately to the east of the parcels, which were only 660 feet deep. He

said it was likely there would be an impact on that neighborhood if the intensity needed to promote affordability was obtained. Commissioner Galloway asked if there was an alternate buffer strip. Mr. Freund said a 50-foot buffer provision was contained in the policies. He indicated it would not be impossible to buffer any development, but there was a concern that the new single-family residential homes would be up against a denser product. Commissioner Galloway said realistically, if they do not want to see or hear the freeway, the buffer might as well be homes. He asked if the neighbors were aware what moderate income was. Mr. Freund said he went over the numbers with the CAB.

Commissioner Weber stated the CAB members did not want anything put on the property even though it was explained something would eventually be done with it. Mr. Freund said the point was the property was located close to retail services and a bus route and had nearby employment. Commissioner Weber said the CAB felt it was time for affordable housing to be done in other areas, such as the southern part of the County.

Commissioner Sferrazza said the CAB sent a clear message that they felt they were bearing the burden of the settlement because most of the affordable housing was in the northern part of the County. He felt it would seem like selling out if he voted in favor of transferring the County-owned parcels on North Hills Boulevard. He indicated they had legitimate concerns about it being outside the TOD and some of the Reno City Council felt it was not infill because it was outside the McCarran ring.

Commissioner Galloway said the County had a tough choice to make on whether to infill pockets in areas of existing sprawl, which the County chose, or to open up areas of virgin territory. He favored recommending all of the proposals.

Mr. Freund said the Target 2010 suggestion was something to be considered even without numbers. He stated the Sierra Spirit would be renewed annually so it was not a one-time effort.

Commissioner Sferrazza said he opposed including the North Hills Boulevard property because he felt it was unfair to put the burden of this settlement on one area of the County. Chairman Larkin disagreed because there was County land being transferred to the City of Sparks. Commissioner Sferrazza did not agree they were the same thing because the Sparks property was located in an urban area.

Commissioner Weber said the discussion should be held at the RRGB. She requested the North Valleys CAB Chairman be notified of the meeting so they could make sure their comments were heard, and she requested a transcript of any comments. She commented growth was impacting everyone and for folks to say they do not want anything to happen was not realistic.

Upon recommendation by Mr. Freund, on motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered the report on infill incentive proposals and compact

growth opportunities be accepted and staff be directed to proceed with the following specific infill incentives for presentation to the RPGB:

- Challenge grant for the Sierra Spirit bus \$150,000
- 157 additional downtown parking spaces on the Pioneer site \$3,064,640
- Transfer of “D” Street parcel to the City of Sparks \$172,488
- North Hills Boulevard site proposals – land value \$3,610,000

**06-1356 SUSPENSION OF COMMISSION RULES – POSSIBLE
RECONSIDERATION – FRAUD, WASTE AND ABUSE HOTLINE
POLICY AND PROCEDURES**

Katy Singlaub, County Manager, said she had received a letter from Robert Burdick, Washoe County Employees Association (WCEA) Executive Director, acknowledging their primary concerns had been addressed, which was placed on file with the Clerk.

Commissioner Sferrazza stated he would not pursue the matter based on the letter from Mr. Burdick. There was no action taken.

REPORTS/UPDATES FROM COUNTY COMMISSIONERS

Chairman Larkin said he would be attending the Truckee Meadows Water Authority (TMWA) meeting on December 20, 2006. Commissioner Sferrazza said he appreciated Chairman Larkin attending in his stead.

Commissioner Humke said he would be attending the Health Board and the Reno-Sparks Convention and Visitors Authority (RSCVA) meetings on Thursday, December 14, 2006 and the Regional Transportation Commission (RTC) meeting on Friday, December 15, 2006.

Commissioner Weber indicated she would try to call into the Regional Planning Governing Board (RPGB) meeting on Thursday, December 14, 2006. She stated the Nevada Association of Counties (NACO) Board of Directors supported a resolution that could be used by every County with regard to methamphetamine. She said the resolution should be out to the counties for their support before the start of the Legislature.

Commissioner Sferrazza said he would participate by telephone on December 19, 2006 during the South Truckee Meadows General Improvement District (STMGID) discussion regarding the Golden Valley project. He stated he needed to know the approximate time so he could call in.

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9:04 p.m. There being no further business to come before the Board, the meeting was adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Stacy Gonzales and Jan Frazzetta
Deputy County Clerks*