

**BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA**

TUESDAY

1:00 P.M.  
SPECIAL MEETING

APRIL 23, 2007

PRESENT:

Bonnie Weber, Vice Chairman  
Jim Galloway, Commissioner  
David Humke, Commissioner

Nancy Parent, Deputy County Clerk  
Katy Singlaub, County Manager  
Melanie Foster, Legal Counsel

ABSENT:

Bob Larkin, Chairman  
Pete Sferrazza, Commissioner

The Board met in special 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:

**07-446      AGENDA**

There was no response to the call for public comment.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion carried with Commissioner Sferrazza and Chairman Larkin absent, Vice Chairman Weber ordered that the agenda for the April 23, 2007 special meeting be approved.

**PUBLIC COMMENTS**

Katy Singlaub, County Manager, read the following disclaimer:

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.

There was no response to the call for public comment.

**07-447            UPDATE – MASTER PLAN FOR COURTS FACILITIES IN  
DOWNTOWN RENO – PUBLIC WORKS**

Dan St. John, Public Works Director, said he would lead a short presentation, which was placed on file with the Clerk, on the Courts Master Plan update process. He stated after the presentation, there would discussion on the update process and the linkage between that process and the Pioneer site. He explained the County purchased the Pioneer site in 2000 in response to the Courts Complex Master Plan completed in 1999. He said the plan needed updating because it did not foresee the construction of the Mills B. Lane Justice Center building, the 9/11 terrorist attack, or the attempt on Judge Weller's life. He stated 9/11 and the attempt on Judge Weller's life changed the way court complexes were looked at.

Mr. St. John said the caseload projections contained in the 1999 Master Plan were exceeded in 2006 instead of 2015. He said the Board identified the need for additional parking, and staff was proceeding on that path based on an analysis done in 2006. He explained the County rented 700 downtown parking spaces at a cost of just under \$200,000 a year.

Dave Solaro, Capital Projects Division Director, stated the Washoe County Public Works Department solicited Requests for Qualifications in 2006 from design firms to update the 1999 Courts Complex Master Plan, and they received four submissions. He said a team of seven individuals from the District Court, County Clerk's Office, Public Defender's Office, and Public Works Department reviewed the qualifications, and they determined Lundahl & Associates to be the most qualified. He stated the contract award and the request for funding was brought before the Board on March 27, 2007. He said the Board took no action and requested this update.

Mr. Solaro said the master plan update and the Pioneer site development were codependent, because the Pioneer site development process needed to include any space for future court needs as defined in the master plan update. He stated those space needs must be defined before any Request for Proposals were solicited from proposers wanting to develop the Pioneer site.

Mr. Solaro continued the presentation by discussing the current activities, issues and the desired outcome of the update process.

Todd Lankenau, Lundahl & Associates Principal and Managing Partner, continued the presentation by discussing the needs assessment, which was Phase I of the master planning process.

Jim Steinman, SGS Group, explained the five phases were punctuated by a series of workshops that included the courts, management, and the Public Works and Finance Departments. He stated the interim findings would be reviewed, so those findings could be built upon step-by-step to reach a conclusion in the late August-September timeframe. He said that conclusion would then be presented to the Board for review.

Mr. Steinman stated Phase I addressed the projection of future needs and Phase II translated those needs into space requirements. He said Phase III looked at alternative strategies, along with potential costs and implementation implications for further review; and Phase IV presented the long-range vision. He explained Phase IV took the choice made in Phase III and determined how that choice would be implemented in a phase-by-phase manner to build upon the resources in the most cost effective manner possible to develop a master plan that would carry through to community build out.

Mr. Steinman discussed the key study features, best practices, and the summary of outcomes.

Mr. St. John continued the presentation by discussing the Pioneer site development integration with the Courts Master Plan update. He said the two were connected, but were being managed as distinct projects. He stated there was a parking variance request scheduled before the City of Reno, but staff felt the better strategy would be an ordinance amendment that would be heard on Wednesday at the Reno City Council meeting. He said the outcome of that meeting would determine how staff would proceed with the variance request.

Mr. Steinman explained the development requirements for the Pioneer site would be based upon what was the County's first priority for that site. He said the long-range needs for that site would be documented as the basic criteria to solicit proposals from developers for their utilization of the site while accommodating the County's requirements; and the City of Reno's urban design objectives would be identified to better the whole downtown experience. He said letters of interest and qualifications would be screened and a Request for Proposal for Concepts would be developed. He stated a limited design competition would test the water to see what the development community would be willing to do to partner with or participate in the development opportunity on the portion of the Pioneer site deemed appropriate. He explained from those concepts business proposals would be requested from those proposals deemed viable, and he discussed what the proposals might contain. He said a best value selection process would be used to select the proposal rather than a selection based on the low bid.

Mr. St. John stated County staff met with members of various City of Reno departments to make sure they knew what the County was doing and to obtain their input. He indicated the process needed to be open so anyone impacted would have the opportunity to provide suggestions. He emphasized a Courts User Advisory Team, which included representatives from all of the courts along with the District Attorney's Office,

the County Clerk's Office, and the Public Defender's Office, would make sure everyone was being represented as each milestone was reached.

Mr. St. John felt the time was right to start this process because the County needed to be ready to respond to having additional judges. He felt the right team was in place, and they had the right approach to develop a logical master plan to guide the phased improvements and expansion of the courts complex.

Commissioner Galloway stated the Board requested workshops to address concerns rather than awarding the contract a few weeks ago. He stated the meetings he had with the judges indicated proper planning depended on considering what changes needed to be made in operations so the best service could be provided to the taxpayers without burdening them more than necessary with the costs for those services. He said how things were done affected how much space was needed. He felt there was no desire to hold up ongoing studies, but the Board wanted proposals from the judges in response to those studies prior to turning loose an architect and a whole team. He quoted Chairman Larkin saying, "the worse thing we could do is plan to do everything the way we have been doing it," and he agreed. He wanted to know if there could be a family night court and other things to utilize facilities and staff better.

Commissioner Galloway felt the plan would need to be funded; and, if operations could be changed and money put in the bank from the resulting savings, it could be used as seed money towards constructing the new facility. He felt doing that would make the voters more likely to vote in favor of it.

Mr. St. James said today was for the Board to ask questions so staff could add any needed detail. He believed what Mr. Galloway was looking for was what best practices needed to be brought to court operations, so everyone knew any money spent was being spent efficiently. He said the court utilization effort was initiated in response to the Board's direction on March 27, 2007. He indicated that effort needed to be part of the best management discussion. He stated staff could start doing the projections and the initial "what if" concepts, which needed to be done in parallel in order to know their impact on each other.

Commissioner Galloway suggested breaking out and proceeding forward with the best practices portion of the work. He emphasized he did not want to backtrack on facilities planning because something was found that needed changing.

In response to the language in the Lundahl & Associates Scope of Work document, Commissioner Humke commented it was important to remember that the District and Family Courts were separate but co-equal divisions. He felt the Legislature was responsive to the counties and to the court districts when creating new court departments.

Commissioner Humke said he did not feel it was worthwhile to revisit the 1999 study because of the form it took, and because the information it contained was too

old in a rapid growth environment. He stated he was not sure about the focus of the Lundahl & Associates report and whether everything he felt should be included was in it. He asked if the master plan analysis waited for the development community to decide whether they wanted to enter into lease/purchase agreements or did the study go forward and make decisions on behalf of the court and court-related agencies.

Mr. St. John responded the County's philosophy was that all of the courts were equally important in terms of what the County was trying to accomplish in a master plan update. He emphasized the advisory team represented all of the users, but it was felt the District Attorney's and the Municipal Court's relationship was not as great because of their new facility. He said no projections were being done for them because of that new facility, but they needed a relationship in this process because they shared a common entrance along with security and parking issues.

Mr. St. John agreed with Commissioner Humke's issues regarding the 1999 update because the update was only eight years old and its projections were off, but it contained good information on the building's structure. He said the technical evaluation information had not changed. To prevent making those same mistakes again, he felt comparing current to old projections might help explain why they were off.

Mr. St. John explained that everyone was used to viewing the Court's master planning update process and the Pioneer site development as one mega project, but they were being managed as two separate, but related, projects. He indicated the court's needs would drive the development of the Pioneer site, not the other way around.

In response to Commissioner Humke, Mr. St. John said the role of the private development community was to maximize the value of the Pioneer site once the court's needs were defined. He indicated at that point the private sector could respond very specifically on how they could satisfy those needs given the market driven commercial needs and opportunities downtown and given their ability to aggregate other properties by working with the redevelopment agencies and so forth to do something even greater than what would encompass just the Pioneer site.

In response to Commissioner Weber, Mr. St. John believed the Reno City Council would move forward with an ordinance on Wednesday to allow temporary parking. He stated the temporary parking would buy time to have a meaningful selection process and to bring forward a private developer who could maximize the value of the Pioneer property. Mr. St. John said the County's wish list would include parking, which would be made clear to the development community. He commented it was possible the Pioneer site could be developed before any substantial expansion to the courts was done. He reiterated it was one planning issue, but two separate discrete projects.

In response to Commissioner Weber, Katy Singlaub, County Manager, commented this plan originally lost when put to a vote of the people. She said now the County was reviewing the best practices and facility needs. She indicated the same process was done when considering replacing Wittenberg Hall. She said staff was trying

to understand all of the factors that would determine today's requirements. She explained after the plan put before the people was not approved, the County went forward with a supplemental plan to build the highest priority need; the Mills B. Lane Justice Center for the District Attorney and the Municipal Court. She explained at the same time staff started looking at bringing up-to-date the requirements for court-related operations. She said the County was doing the next step, which was determining the needs and requirements and looking at best practices versus the County's practices. She stated then alternatives would be looked at, and she felt the Pioneer site provided hundreds of square feet of possible alternatives. She said some of the alternatives would also come from doing things different and doing them better. She explained the County did not want to build more space than needed, but to build what was needed in a phased manner. She said this process was not a delay, but a very thoughtful, objective, and clear effort to create a package to which developers could respond and would allow the County to change things internally.

Mr. St. John clarified when Mr. Simon referred to co-use of the facility, he was not referring to public and private co-use but to departmental co-use.

Commissioner Galloway asked if there was any way to reduce the caseloads, such as discouraging frivolous filings. Mr. Simon replied frivolous filings were still filings. He believed there was nothing the court could do to reduce the workload coming in, but they might be able process that workload in a different way. Commissioner Galloway said he understood civil filings were fairly flat, so that left criminal and family disputes to account for filings going up. He asked if there was anything the State or the County Commission could do to help, such as creating a penalty for any case found to be without merit.

In response to Commissioner Galloway, Mr. Simon said at the end of Phase III there would be a projection of the square footage required to satisfy the number of judicial positions and staff needed all the way to community build out. He stated Phase IV evaluated alternatives to satisfy those space needs to come up with the selection of the preferred course of action, which might require all of the Pioneer site for court requirements with nothing left over. He said one alternative might be to decentralize the courts, so there would be less demand for the Court Street area and the Pioneer site. Commissioner Galloway suggested Phase IV contain one option where the County developed the site simply to provide a baseline for comparison. He said the County could do it itself if nothing else was forthcoming. Mr. Simon stated there would be numerous scenarios of phased development of new facilities and phased rearrangement of certain court components, which could include private-sector space as long as tax-exempt financing provisions were not violated. Commissioner Galloway interjected private sector involvement would also be required to not violate security provisions. He explained why he liked the phase development approach. Mr. Simon said all tasks would be evaluated over the life of the project so there would be a clear picture of the total present-value cost of a series of actions over time to enable the County to make the preferred choice.

Commissioner Galloway asked about the feasibility of having parking at the vacant lot to the north of the historic courthouse. Mr. Simon felt that would be a very inefficient footprint for a multi-level parking garage along with it having security problems.

Commissioner Humke said the Mills B. Lane Justice Center showed the County was able to prioritize and to deal with emergent issues; and he discussed the trailers that had been the judges' temporary quarters prior to the Justice Center being built. He also felt the Justice Center was a prime example of cooperation between the jurisdictions of the City of Reno and Washoe County, and he felt that type of cooperation would continue.

Commissioner Humke asked if the plan would place the Public Defender, both primary and alternate, in County-owned space or leased space. Mr. Simon said the Public Defender and the County Clerk were part of the future needs analysis. He indicated one or both of those departments along with other departments and agencies of a public nature might be used to backfill future expansion space built for the courts, to backfill the 1965 addition to the courthouse, or to early seed a developer's project on the Pioneer site. He felt there were a number of opportunities to interplay a public/private partnership on public property, private property, or just for financing purposes to get certificates of participation early in the game. He said everything was in play at the moment and would be until Phase III.

In response to Commissioner Humke, Mr. Simon said he was informed the Sparks Justice Court was required to be within the incorporated city limits of the City of Sparks.

In response to the call for public comment, Darrel Drake said he was a commercial real estate broker who specialized in downtown redevelopment. He commended the County for acquiring the Pioneer site in anticipation of the expansion of court needs and for holding this workshop. He said a number of developers saw the Pioneer site as a landmark development opportunity in the downtown Reno area, but their primary consideration was the update of the Court Facility Master Plan. He felt it was important not to sell short the court's long-term needs. He appreciated the County's keeping the dialog going with the City of Reno. He explained redevelopment was, by its nature, evolutionary; and this would be a multi-year, multi-phase project. He felt a temporary parking lot was the first step in the evolution and what happened before the Reno City Council was very important for this and for redevelopment. He believed more than just the Pioneer site and the assets in the current court facilities must be addressed. He indicated there were other properties in the immediate vicinity, many of them contiguous, which could make a magnificent public/private development.

Pat Simpson, owner of the Arch of Reno Wedding Chapel, asked that Court Street not be abandoned. She said it would make it more difficult to move around in the downtown area because of road changes already done.

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

Commissioner Weber asked if there would be another workshop. Ms. Singlaub said there would be an opportunity to act on the award of a proposal. She said it was the intent today to answer any questions and to address any new issues, ideas, or concerns so a consultant could be engaged to take this forward. She stated there would be subsequent workshops with the consultant to answer any questions during each phase. She said action on the consulting services agreement was on a subsequent agenda.

Commissioner Galloway felt the Board asked for a workshop, but did not ask the proposal award be brought back. He said the Board wanted a workshop to work out a lot of things and to get information.

Commissioner Galloway asked if there were plans to abandon Court Street. Mr. St. John replied that would be looked at as part of the normal planning process. He stated he did not know if it would be done or not until the process was complete, public input was received, and the highest and best needs were looked at for the County and the surrounding legal and business community.

Commissioner Galloway said he was willing to discuss staff moving forward on some of these things such as putting Clerk's staff, who were separate, back into the courthouse or somewhere else; and, if staff was agreeable to redrafting this to proceed with best practices, relocation of function, and working with judges. He indicated he was not willing to go forward with the whole thing. Mr. St. John responded the goal was to make the best estimate of what the ultimate needs of the County would be at build out. He stated that needed to occur before it could be known what was the best phasing plan. He stated everything said about best management practices was absolutely critical for this type of evaluation, but he was afraid a point in the process would be reached where questions could not be answered because things were not done concurrently.

Commissioner Galloway indicated he would leave it to staff to come up with a way to try to divide this up a little before the next discussion. He suggested what might work would be doing the best management practices and the projected caseload. He stated he was leery of national standards unless they were new.

Commissioner Weber commented the Board needed to be moving forward in May just to meet the projected timeline for completing the update. Mr. St. John replied staff tried to emphasize the outcomes; and his concern was, until the County's needs were defined, the developer could not be selected for the Pioneer site based on the best value process because the County could not tell the developer what was needed. He explained there was a certain synergy in master planning and that doing the different elements separately would extend the overall schedule. He said Chairman Larkin had already indicated he felt the proposed schedule was too long.

Ms. Singlaub said she reinforced Mr. St. John's comments, and she appreciated Commissioner Galloway's focusing on the operations of the court and how they could be streamlined. She emphasized the County could not responsibly move forward with the development of the Pioneer site without doing this process. She stated she did not feel this study was designed to focus on the operations of the court. She agreed reviewing, auditing, and making recommendations in conjunction with the courts about court operations were important. She said it was the Board's right to wait to do that before moving forward on the Pioneer site, but the Pioneer site could not move forward without doing this process.

Commissioner Humke said the statewide bill to add additional court departments was heard this morning, which he felt was largely unrelated to this process. He agreed that the National Center for State Courts was not the single arbitrator for best practices in the country, and he discussed why. He also agreed the first thing that should happen was selecting the best practices for Washoe County, Nevada. He stated he generally supported the consultant, because he liked the approach they took. He expressed his concern with closing Court Street. He asked if staff had contacted the Regional Transportation Commission (RTC) staff to verify public transportation services were adequate. He felt County citizens must have an inexpensive way to get to court.

Mr. St. John indicated he heard those comments loud and clear. He said City of Reno staff emphasized that the development was a transit-oriented development, and public transit would be a part of anything done.

Commissioner Weber asked if there was any idea how inclusive discussions would be regarding the surrounding properties. Mr. St. John felt that was the real value of the public/private partnership. He said potential developers would be given time to look over staff's shoulder as the County proceeded through the planning process, along with time to do things they needed to do such as a market analysis. He said if the County developed the Pioneer site, development would be confined to the County's parcel. He stated by bringing in a private partner, the partner's solution might go beyond that parcel. He said there were discussions with the Washoe County Bar Association because of their vested interest in what was happening.

In response to Commissioner Weber, Ms. Singlaub replied staff would like to bring this back to the full Board to determine if the Board wanted to move forward. She said if the Board voted down the planning process, it would be replaced with something else if that was what the Commission wanted. She stated it was clear the best practices review was a very strong element of this process if it went forward. She said it was also clear that transportation was to be included and any street closures had to be considered carefully within a full public process.

Commissioner Weber said the next available meeting where all of the Commissioners would be present was May 15, 2007, which she felt would give Commissioner Galloway time to do his site visits. Ms. Singlaub agreed and indicated there would be some discussion at the May 7th joint meeting.

Commissioner Galloway asked if the County had the money to build a stand-alone parking structure, and if the County was buying into all four phases of the project if it went ahead with this study. He said three developers would be short-listed during Phase IV and then, when the County talked to them about what was needed for the whole court, the County could also talk to them about partnering even though it only had the money to build a parking structure. He felt it would be unrealistic for the County to believe it would get a free courthouse, but the County might get a free parking structure even though it would not actually be free because the County owned the land. He asked if Mr. St. John was talking about developers with the financial wherewithal to build a parking structure instead of having to wait around to see if they could pre-lease it. Mr. St. John said staff was not talking about selecting developers to assist the County in developing, remodeling, or improving the court complex because that was part of the master planning effort. He said staff was talking about a private/public partnership on whatever part of the Pioneer site that did not need to be reserved for the court complex. He said a major reason development of the Pioneer site tied into everything else was the need to know the number of parking spaces required. He indicated everything was in play because the Commissioners might say it would be great to have the Marriage Bureau in that location. Commissioner Galloway stated he understood, and that a developer would not have a lock on building the future courthouse just because he built the parking structure with mixed uses. Mr. St. John agreed that was correct.

In response to Commissioner Galloway, Mr. Steinman said Step 2 of the three-step process would be to solicit input from the community of developers, and they would need to represent control of the site and certainty of financing before they would be allowed to proceed to the third phase. He explained Phase III would obtain the best proposals to determine the best value. He said the certainty of financing would address Commissioner Galloway's concern about waiting for the property to be pre-leased.

Commissioner Galloway stated building the additional court facilities would have to go to the voters unless some money was put aside from pooled savings. He indicated he did not want to go to the voters without generating the efficiencies, and he wanted to give the voters the best deal possible.

Commissioner Humke felt the process would be done so carefully that he would be comfortable taking it to the voters even if additional funding sources were not needed, but he did not believe the parking structure would need to be taken to the voters. He believed the County was on the right track.

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**3:00 p.m.** There being no further business to come before the Board, the meeting was adjourned.

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**BONNIE WEBER**, Vice Chairman  
Washoe County Commission

**ATTEST:**

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

*Minutes Prepared by  
Jan Frazzetta  
Deputy County Clerk*