

COUNTY COMMISSIONERS
Chair, Bob Lucey, District 2
Vice-Chair, Marsha Berkgigler, District 1
Kitty Jung, District 3
Vaughn Hartung, District 4
Jeanne Herman, District 5



COUNTY MANAGER
John Slaughter

ASSISTANT DISTRICT ATTORNEY
Paul Lipparelli

COUNTY CLERK
Nancy Parent

NOTICE OF MEETING AND AGENDA

WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS COMMISSION CHAMBERS - 1001 E. 9th Street, Reno, Nevada

December 19, 2017
10:00 a.m.

NOTE: Items on the agenda may be taken out of order; combined with other items; removed from the agenda; moved to the agenda of another meeting; moved to or from the Consent section; or may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. The Consent is a single agenda item and is considered as a block and will not be read aloud. The Board of County Commissioners may take breaks approximately every 90 minutes.

Accessibility. The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, call the Office of the County Manager, (775) 328-2000, 24-hours prior to the meeting.

Public Transportation. Public transportation is available to this meeting site: RTC Routes 2, 2S, 5 and 15 serve this location. For eligible RTC ACCESS reservations call (775) 348-5438.

Time Limits. Public comments are welcomed during the Public Comment periods for all matters, whether listed on the agenda or not, and are limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individually numbered items designated as "for possible action" on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting. Persons may not allocate unused time to other speakers.

Forum Restrictions and Orderly Conduct of Business. The Board of County Commissioners conducts the business of Washoe County and its citizens during its meetings. The presiding officer may order the removal of any person whose statement or other conduct disrupts the orderly, efficient or safe conduct of the meeting. Warnings against disruptive comments or behavior may or may not be given prior to removal. The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite others are examples of speech that may be reasonably limited.

Responses to Public Comments. The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item "Commissioners'/County Manager's announcements, reports and updates, requested for information or topics for future agendas."

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations: Washoe County Administration Building (1001 E. 9th Street, Bldg. A), Washoe County Courthouse-Second Judicial District Court (75 Court Street), Washoe County - Reno Downtown Library (301 South Center Street); Sparks Justice Court (1675 East Prater Way); www.washoecounty.us/bcc/board_committees/ and <https://notice.nv.gov>.

Support documentation for the items on the agenda, provided to the Washoe County Board of Commissioners is available to members of the public at the County Manager's Office (1001 E. 9th Street, Bldg. A, 2nd Floor, Reno, Nevada) Marilyn Kramer, Assistant to the County Manager, (775) 328-2000 and on Washoe County's website www.washoecounty.us/bcc/board_committees/

1. Salute to the flag.
2. Roll call.
3. Presentation: Glenn Duncan Elementary School Choir.
4. Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.
5. Commissioners'/County Manager's announcements, reports and updates, requests for information or topics for future agendas. (No discussion among Commissioners will take place on this item.)
6. **Donations (for possible action)**
 - 6.A. Accept monetary donations to Washoe County Regional Animal Services [\$7,319.88] retroactive from July 1, 2017 to September 30, 2017 to be used for the humane care and treatment of sick and/or injured, stray, abandoned, or at risk animals received; express appreciation for these thoughtful contributions; and direct the Comptroller's Office to make the appropriate budget amendments. Animal Services (All Commission Districts)

Attachments: [BCC Staff Report FY 17-18 1st Qtr Donations \\$7,319.88.docx](#)
[FY 17-18 1st Qtr Donation Report.pdf](#)
 - 6.B.1. Accept cash donations [\$40,955.31] from the Wilbur May Foundation restricted for May Museum & Arboretum marketing, staff travel and training, facility improvements and exhibit support. Community Services. (Commission District 3.)

Attachments: [BCC 12-19-17 - Staff Report - May Foundation donations.doc](#)

- 6.B.2. Accept cash donations [\$40,350.93] from various businesses, organizations and individuals for Regional Parks and Open Space programs and facilities; and direct the Comptroller's Office to make the appropriate budget amendments. Community Services. (All Commission Districts.)

Attachments: [BCC 12-19-17 - Staff report - Park donations.docx](#)

- 6.C. Accept donations totaling [\$5,125.00] from the Reno Running Company and citizens Robert and Diana Welles to the Washoe County K9 Unit to be used to purchase equipment and supplies, and if approved, authorize Comptroller's Office to make appropriate budget amendments. Sheriff. (All Commission Districts.)

Attachments: [BCC 12-19-17 - Sheriff - Donations to K9 Unit \[\\$5,125\]](#)

7. Proclamations (for possible action)

- 7.A.1. Proclaim a heartfelt gratitude and thank you to Jennifer Lunt for her services to our community, our criminal justice system, and to our organization. Manager. (All Commission Districts.)

Attachments: [Proclamation - Jennifer Lunt - Manager BCC 12-19-17.pdf](#)

- 7.A.2. Proclaim a heartfelt gratitude and thank you to Luanne Cutler for her services to our community, Washoe County's voting system, and to our organization. Manager. (All Commission Districts.)

Attachments: [Proclamation - Luanne Cutler - Manager BCC 12-19-17.pdf](#)

8. Consent Items (for possible action)

- 8.A. Approval of minutes for the Board of County Commissioner's regular meeting of November 14, 2017. Clerk. (All Commission Districts.)

Attachments: [BCC171114W.doc](#)

- 8.B. Accept Washoe County Strategic Plan Progress Report for Quarter 1 of Fiscal Year 2018. [No impact]. Manager. (All Commission Districts.)

Attachments: [Strategic Plan Progress Report Q1.docx](#)

End of Consent Items

9. Recommendation to appoint Marc Picker as Alternate Public Defender effective retroactively to 12/11/2017 with an annual salary of \$156,644.80. Net fiscal impact is \$0. Manager. (All Commission Districts.) FOR POSSIBLE ACTION

Attachments: [Staff Report - Manager - Appointment of New APD.docx](#)

10. Recommendation to: (1) accept a status report and request to proceed from the Second Judicial District Court related to a potential building project; and (2) provide direction to staff to begin work on the project which is not currently listed in the approved Washoe County Capital Improvement Program FY 18 list of funded projects. Community Services. (All Commission Districts.) FOR POSSIBLE ACTION

Attachments: [BCC 12-19-17 - Staff Report for status report on downtown court project](#)

(To be heard before Agenda #14)

11. Recommendation to (1) provide direction to staff to initiate an update to the “Washoe County Court Complex Master Plan Update” to include all county uses downtown for maximizing county assets in the area around the Second Judicial District Court; (2) approve the resolution to augment the Capital Improvements Fund in the amount of [\$200,000] to increase expenditure authority for capital projects for fiscal year 2017-18; and (3) direct the Comptroller to make the appropriate budget amendments. Community Services. (All Commission Districts.) FOR POSSIBLE ACTION

Attachments: [BCC 12-19-17 - Staff Report Reso for Court Master Plan](#)
[BCC 12-19-17 - Resolution](#)

(To be heard after Agenda #13)

12. Recommendation to approve a request to initiate proceedings to amend the Washoe County Code at Chapter 25 (Business License Ordinance), Chapter 110 (Development Code) and Chapter 53 (Miscellaneous Crimes) to provide for operation of marijuana establishments which are registered by the State of Nevada under NRS Chapter 453A and NRS Chapter 453D and provide for limited exemption of certain acts from criminal prosecution, consistent with the marijuana working group recommendations "Vision and Direction" attached hereto and as provided in this staff report, and direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance, pursuant to Washoe County Code Section 2.030 and 2.040. Manager. (All Commission Districts.) FOR POSSIBLE ACTION

Attachments: [Staff Report - Manager - Marijuana Regulations.doc](#)
[Vision and Direction.docx](#)

13. Presentation and update regarding City of Reno Business Improvement District, and possible action to authorize the Chair to sign a petition as an owner of property within the proposed district to initiate procedures to create a Downtown Reno Business Improvement District (pursuant to NRS 271). Manager. (Commission District 3.) FOR POSSIBLE ACTION

Attachments: [BCC 12-19-17 BID Opt in.doc](#)
[Petition Package - Washoe County \(2\).pdf](#)
[BID Map \(002\).pdf](#)
[BID Update Presentation \(BOCC\) - 17 - 12.19 AD.pdf](#)

14. Discussion and potential direction to the District Attorney to file or sign-on to legal briefs (amicus curiae) supporting the State of Nevada's position in litigation involving the Little Valley Fire (State of Nevada, Division of Forestry v. District Court, Supreme Court Case No. 74271) and to urge courts to retain the historical separation between torts and inverse condemnation laws. District Attorney. (All Commission Districts.) FOR POSSIBLE ACTION

Attachments: [little valley fire amicus.docx](#)
[washoe valley fire.pdf](#)

15. Introduction and first reading of an ordinance approving a Development Agreement regarding Tentative Subdivision Case Number TM14-001 (Pebble Creek Estates) which approved (on July 1, 2014) development of an 83-lot, single-family residential subdivision. Lots range in size from 35,025 to 53,072 square feet. The applicant and property owner is Mystic Mountain, LLC, attn.: Jesse Haw, 550 West Plumb Lane #B505, Reno, NV 89509. This agreement extends the deadline for filing the first in a series of final subdivision maps from July 1, 2018 to July 1, 2020. The subject site is located at the western terminus of Pebble Creek Drive, approximately ¼ mile west of its intersection with Pyramid Highway. The parcel is ±83.27 acres in size and has a regulatory zone of Low Density Suburban (LDS). The parcel is located within the Spanish Springs Area Plan, and is situated in portions of Sections 11 and 14, T21N, R20E, MDM, Washoe County, Nevada. (APN: 538-171-08); and, if approved, schedule a public hearing for second reading and possible adoption of the ordinance for January 9, 2018. Community Services. (Commission District 4.) FOR POSSIBLE ACTION

Attachments: [BCC 12-19-17 - Staff Report - TM14-001 Development Agreement 1st Reading](#)
[BCC 12-19-17 - TM14-001 - Exhibit A Ordinance](#)
[BCC 12-19-17 - TM14-001 - Exhibit B](#)

Public Hearing. (Note: Due to public testimony and discussion, time expended on the item in this category can vary.)

16. Public hearing: Second reading and possible action to adopt an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving the Amended and Restated Development Agreement with Apple, Inc. for Case Number DA11-001 for Reno Technology Park and Sparks Energy Park, approved by Ordinance 1476; which amendment permits the construction and operation of a certain Technology Park, and other matters properly related thereto. Community Services. (Commission District 4.) FOR POSSIBLE ACTION

Attachments: [BCC 12-19-17 - Staff Report for Amended and Restated Development Agreement](#)
[BCC 12-19-17 - Draft Ordinance](#)
[BCC 12-19-17 - Amended and Restated Development Agreement](#)
[BCC 12-19-17 - Exhibit A - Legal Description](#)
[BCC 12-19-17 - Original Apple 2012 deed](#)

End Of Scheduled Public Hearings

17. Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.
18. Commissioners'/County Manager's announcements, reports and updates, requests for information or topics for future agendas. (No discussion among Commissioners will take place on this item.)

Adjournment

Various boards/commissions the Washoe County Commissioners may be a member of or liaison to:

Chair Lucey

EDAWN (Economic Development Authority of Western Nevada) (alternate)
Nevada Association of Counties Board of Directors (NACO)
Regional Transportation Commission
Reno-Sparks Convention & Visitors Authority
Tahoe Regional Planning Agency Governing Board (alternate)
Tahoe Transportation District Board of Directors (alternate)
Tahoe Transportation Commission (alternate)
Truckee Meadows Water Authority Board (alternate)
Truckee River Flood Management Authority (alternate)
Washoe County Debt Management Commission
Washoe County Internal Audit Committee
Washoe County Investment Committee
Washoe County School District Capital Funding Protection Committee
Washoe County School District Oversight Panel
Washoe County Stadium Authority (alternate)
Western Regional Water Commission

Vice-Chair Berkbigler

Economic Development Authority of Western Nevada (EDAWN)
Nevada Tahoe Conservation District Board of Supervisors
Regional Transportation Commission
Tahoe Prosperity Center Board of Directors
Tahoe Regional Planning Agency Governing Board
Tahoe Transportation District Board of Directors
Tahoe Transportation Commission
Truckee Meadows Regional Planning Agency Governing Board
Truckee Meadows Water Authority Board (alternate)
Truckee River Flood Management Authority (alternate)
Washoe County Legislative Liaison
Washoe County Stadium Authority

Commissioner Jung

Community Assistance Center Transitional Governing Board
District Board of Health
Nevada Works (alternate)
Truckee Meadows Water Authority Board (alternate)
Truckee River Flood Management Authority (alternate)
Washoe County Criminal Justice Advisory Committee
Washoe County Internal Audit Committee
Washoe County District Board of Health
Washoe County Investment Committee
Washoe County Open Space and Regional Parks Commission Liaison
Washoe County Senior Services Advisory Board Liaison
Washoe County Stadium Authority

Commissioner Hartung

Truckee Meadows Regional Planning Agency Governing Board
Truckee Meadows Water Authority Board
Truckee River Flood Management Authority
Washoe County Stadium Authority (alternate)
Western Regional Water Commission
Washoe County Senior Services Advisory Board Liaison (Alternate)

Commissioner Herman

Nevada Association of Counties Board of Directors (NACO)
NevadaWorks
State Land Use Planning Advisory Council (SLUPAC)
Truckee Meadows Regional Planning Agency Governing Board
Truckee Meadows Water Authority Board
Truckee River Flood Management Authority
Verdi Television District (Liaison)
Vya Conservation District
Washoe County Animal Services Advisory Board
Washoe County School District Capital Funding Protection Committee
Washoe County School District Oversight Panel
Washoe County Stadium Authority (alternate)
Washoe-Storey Conservation District
Western Nevada Development District
Western Regional Water Commission