

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

TUESDAY

10:00 A.M.

MAY 28, 2019

PRESENT:

Vaughn Hartung, Chair
Bob Lucey, Vice Chair
Marsha Berkgigler, Commissioner
Kitty Jung, Commissioner
Jeanne Herman, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Assistant District Attorney

The Washoe County Board of Commissioners convened at 10:00 a.m. 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:

Chair Hartung spoke about the meaning of Memorial Day and asked for a moment of silence.

19-0380 AGENDA ITEM 3 Public Comment.

Mr. Levi Hooper explained he had been in Florida and saw homelessness and opioid issues that were worse than in Reno. He said the process to receive food stamps and other assistance was substantially harder in Florida because people could only access resources electronically. He noted public computers were not available to homeless individuals like they were in Reno. He expressed his gratitude that Reno cared about people in the community and he thought Florida was not a good place to be homeless.

Ms. Sara Schmitz, President of Incline Village/Crystal Bay Community 1st, said their goals were to engage and empower citizens to ensure the government was responsive and accountable to the community. She spoke regarding a situation which occurred with Mr. Phil Horan, a former poll worker. She stated complaints were lodged with the office of the Registrar of Voters, the Secretary of State, and Commissioner Berkgigler regarding Mr. Horan's behavior at the 2018 primary election polls. During an Incline Village General Improvement District (IVGID) meeting on June 13, 2018, Mr. Horan stated he looked forward to the investigation related to his release as a poll worker. Ms. Schmitz she had publicly asked Mr. Jonathan Brown from the Washoe County Registrar of Voter's Office about the outcome of the investigation related to the incident and Mr. Brown replied it was not illegal for a sitting Trustee to serve as a poll worker as

long as the individual was not on the ballot. Mr. Brown also stated Mr. Horan was banned from being a poll worker after the investigation. She said Registrar of Voters Deanna Spikula sent a draft email of a press release to Mr. Horan, a copy of which was provided to the Board and placed on file with the Clerk. She wondered why representatives from the Registrar of Voter's Office were denying there was an investigation or that a situation that occurred. She expressed frustration about inaccurate information being provided and wanted the Board to take action and provide the citizens with accurate details of the investigation.

Ms. Joannah Schumacher expressed concern about the safety and welfare of the people in Incline Village if the new cell tower was allowed to be installed. She wondered who would be responsible if harm came to the citizens due to the new tower. She spoke about flooding issues in Lemmon Valley, which she thought were the result of poor planning.

Mr. Wyn Ross spoke regarding a document presented during a previous meeting about the recruitment process for a new County Manager. The document was placed on file with the Clerk. He commented on the tax dollars that would be spent to recruit for the position and hoped a good leader could be found at this price. He did not believe Assistant County Manager Dave Solaro was the right fit for this position based on past dealings with him. He urged the Board to take time to find the right candidate for the job.

Ms. Carole Fineberg said she was sad for the residents of Lemmon Valley who were still underwater after two years and noted recent rain added to the flooding issues. She thought there could be a solution to channel the water from the valley to be stored in a reservoir for future drought conditions. She explained it would be expensive but it would be a permanent solution compared to the temporary solutions the County was implementing. She expressed concern about losing the County Manager and agreed with Mr. Ross that the Board's desire to hire from within was a flawed plan. She hoped a good firm was hired to find the right candidate and wanted the Board to take its time making a decision. She was interested in Washoe County being a sanctuary county for the Second Amendment. There were growing numbers of counties in several states which signed resolutions regarding the right to bear arms. She thought it was time for Nevada to stand up in favor of the right to bear arms. She said law enforcement was still a few minutes away in a dangerous situation but people needed to be able to protect themselves and their families.

Mr. Cliff Dobler expressed frustration about the possibility of a 117-foot monopole being placed in the middle of Incline Village. He stated his cell phone worked fine in the area. He said he did not look forward to seeing the cell tower every day and did not know why that location was selected. He noted this cell tower did not fit with the Tahoe Regional Planning Agency's (TRPA's) mission to preserve and enhance the area's unique nature while improving local communities and people's interaction with the irreplaceable environment. He did not want to lose the forest near his home.

Mr. George Learmonth spoke regarding Agenda Item 24 which, if approved, would allow him to add two garages to his property. He stated he had tenants that struggled with snow in the winter and he asked for what people around him had, which were garages. He did not understand why people were opposed to things which existed in the area and stated his property was the only one without a garage. He thought it would improve the value of the homes in the area.

Ms. Linda Newman expressed concern about the integrity of elections. She asked the Board for assistance to ensure individuals appointed to elected positions were worthy of planning and executing elections and those assisting at the polls abided by state and federal laws. During early voting, IVGID Trustee Mr. Horan was appointed and trained by the Registrar of Voter's Office to work the polls. He was stationed at an early voting location at Raley's in Incline Village from May 26 to June 8, 2018. During that time, citizens contacted the Registrar of Voters and Commissioner Berkbigler to complain about Mr. Horan's unlawful conduct. Complaints ranged from his advising voters of who he was going to vote for and him hovering around voters as they cast their ballots. Some citizens thought it was a conflict of interest for a poll worker to actively advocate for two candidates for Trustee. Other citizens left the polling area before voting due to Mr. Horan's presence. She said voters felt they were being influenced or intimidated by Mr. Horan, which was considered a felony offence under federal and state laws, and some filed complaints with the Secretary of State. She stated citizens were told Mr. Horan was fired by the Registrar of Voters and their complaints would be investigated. She asked the Board to review the Registrar's performance and request the Secretary of State perform an investigation.

Mr. John Potash asked the Board to open discussions about making Washoe County a Second Amendment sanctuary county as many had already done. He thought many laws passed during this legislative session that would likely infringe on citizens' constitutional rights. He indicated more than half the counties in Washington State pledged not to enforce new gun restrictions and eight counties in Oregon passed Second Amendment preservation ordinances. He stated most of Colorado was officially opposed to a new red flag law much like one that was still active in current legislature. He said nearly all County sheriffs in New Mexico opposed new infringements on the Second Amendment, with over 75 percent of counties already passing sanctuary county ordinances. In New York, 90 percent of counties opposed overly restrictive gun legislation. He said the Nevada legislative session was not finished and already five counties had officially declared themselves Second Amendment sanctuary counties with others to follow suit. Most law enforcement agencies stated they would not enforce new infringing laws. As public representatives, the Commissioners took an oath to support, protect, and defend the Constitution of the United States and Nevada. He asked for this discussion to be on a future agenda.

Mr. Tim Stoffel spoke about the State Legislature violating its own rules regarding the Second Amendment. He said it was time the government stood up for the citizens to defend themselves against enemies of the Constitution. He wanted the issues in Lemmon Valley and the Stead area to be fixed. He thought something drastic needed

to be done so people would stop losing their homes. He said the County needed to take the necessary steps to ensure citizens were protected. He spoke regarding the replacement of the County Manager and thought the County needed to take a path that would result in fairness to the citizens.

Mr. Sam Dehne spoke about the Tesla Gigafactory, school bond taxes, and he expressed frustration about the millions being spent on the Wildcreek High School.

Mr. Frank Wright stated he mailed the Commissioners a copy of what he would speak about. He explained the Commissioners were all elected officials and ran campaigns to be elected. He wondered if any of them would want a poll worker compromising their efforts. He expressed concern about an elected official that did just that and thought the Registrar of Voters was engaged in a cover-up of the event. He noted complaints were made to Commissioner Berkbigler, the Secretary of State, and the Registrar of Voters and nothing had been done. He claimed Ms. Spikula tried to do damage control by sending Mr. Horan an email from her County email explaining what was going to be released to the press about the situation. He said campaign irregularities took place in Incline Village and he thought the Registrar of Voters should not be in office due to the event.

Mr. John Eppolito spoke in opposition of the proposed cell tower in Incline Village. He stated a variance was required for this project and there should be a special reason to allow a variance. He thought the cell phone coverage in the area was excellent and this would add an eyesore to the middle of town for no reason. Any negative effects of the cell tower would be felt by the residents in the area. He stated he was a realtor and it would affect the home values in the immediate area. He spoke about other cell tower locations which were appropriately placed. The School District tried to put a tower near the high school, which was close to where this cell tower was proposed, but people opposed putting one near children. He thought people would not be given notice about the tower due to the close proximity of a school and rental properties. He expressed concern about the effects on school children's health.

Ms. Irene Payne spoke regarding an item which would appear on a future agenda of the Board of County Commissioners for the appointment of members to the Washoe County Regional Animal Services Board. She said she currently held a position on that Board and thought she brought passion to the committee without an agenda. She stated she had a strong desire and commitment to continue to serve. She thanked the Commissioners for their support and consideration. She expressed appreciation to County Manager John Slaughter for his service.

Ms. Laurie Rodriguez read an edited version of a proposal she submitted to the Nevada Department of Transportation (NDOT) Board on May 13. She wanted the Board to be aware of this proposal as Washoe County would be part of the project and should be involved from the beginning. The addition of a third lane to I-80 had been a topic of discussion but the real issue was how to move people to and from the Tahoe-Regional Industrial Center (TRIC). She proposed elevated trains which would utilize the

latest technology and were fast, quiet, and did not pollute. She noted they were being built on the sides of or the center of existing highways. She indicated passenger train cars could be added as the demand grew and trains were proving to be profitable. She thought the project could be comprised of three phases: the first from Sparks to TRIC; the second from Fernley to TRIC; and the third and final phase from Fallon to TRIC. She stated parking areas for pick-up and drop-off locations would be needed as with any other transit system or airport. She said the employers at TRIC had 94 shuttle buses running and this proposed train system would reduce costs to them. Transport vehicles would be located at the TRIC station to deliver employees to their designated businesses. She thought the budget to widen the highway could be used to build a monorail system. She said construction companies should have experience installing elevated trains in order to submit a bid for the job. She encouraged the Board to attend NDOT meetings to hear more about the proposal.

Mr. Ben Dosseff asked the Board for help preserving Lake Tahoe. He said he lived in Incline Village and had noticed an increase in pollution and trash in the past three years. He expressed frustration about plastic and trash items ending up in lakes, rivers, and streams. He noted the east shore trails near Highway 28 were covered in litter and he had spoken with the TRPA and Washoe County about it with no results. He requested no littering signs be installed.

Mr. George Lee stated he agreed with people who spoke about the Second Amendment. He said a health issue was present in the north valleys and thought effluent from the treatment plant was being put into Swan Lake. He thought the idea of building runoff reservoirs was great but requested development be stopped until flooding issues were fixed.

Ms. Sandra Griffin said Incline Village was part of her life since she was a child. She explained she purchased a home 10 years ago with the intention to retire there. She stated she was invested in the community and expressed concern about the size and power of the cell tower proposed to be installed in the middle of town. She explained the area was densely populated and the cell tower would devalue properties up to 20 percent. She was in opposition of the location of the proposed tower.

19-0381 AGENDA ITEM 4 Announcements/Reports.

Commissioner Berkbigler cited statistics from a report that Lake Tahoe clarity went down 10 feet in one year to 70.9 feet. She said it was due to the work of the Tahoe Regional Planning Agency and various communities around the Lake.

Commissioner Berkbigler stated she spoke to Deputy District Attorney Paul Lipparelli previously about a Second Amendment sanctuary for Washoe County. She indicated Mr. Lipparelli would have a discussion with Sheriff Darin Balaam about the process. She thought this topic would be on an agenda once enough information was gathered.

Commissioner Berkbigler wanted information about the costs, location, and time frame to build a reservoir on the east side of Lemmon Valley. She thought this could be a solution to some of the flooding issues in the area. She asked whether the area was capable of sustaining a reservoir.

Commissioner Berkbigler expressed concern about the issue with Mr. Phil Horan and Registrar of Voters Deanna Spikula and stated Ms. Spikula never contacted her. When the issue occurred during the election, Commissioner Berkbigler contacted Ms. Spikula and was concerned that a year had passed without hearing anything from the Registrar of Voters. She indicated the constituents were from her district and she knew complaints were filed with Ms. Spikula. Commissioner Berkbigler wanted a presentation from the Registrar of Voters about the complaints and what occurred as a result.

Commissioner Lucey stated he participated in the Opportunity Zone Expo in Las Vegas with Chairwoman Marilyn Kilpatrick. He said it was a new opportunity in northern Nevada and noted areas in downtown Reno, Sparks, and the Tahoe-Reno Industrial Center were all identified as opportunity zones. He spoke to individuals across the country about some of these new opportunities, including the ability to pay for extensive public infrastructure through this program. He stated those funds could be used to pay not only for new buildings and real estate but potentially for water pipes, sewer treatment plants, and roads. He wanted to have a further discussion with the Board about opportunities and what the County was doing to address these concerns. He wondered what could be done jointly with task forces in Clark County.

Commissioner Herman stated she asked for a moratorium resolution during a joint meeting for projects that would affect Lemmon Valley. She mentioned residents from the northern part of the County made requests about improving the roads and she asked for information to be brought back to the Board.

Commissioner Jung stated she was invited to speak at the Veteran's Cemetery in Lemmon Valley for the annual Veteran's Memorial Day event. She noted it was the 10th year she was asked to speak at the event. She was accompanied by her parents, husband, and a friend Steve Wheeler. She stated her father, her husband, and Mr. Wheeler were all war veterans. She explained it was difficult to see people in the crowd who had been affected by losing loved ones in wars.

Commissioner Jung expressed concern about the issue with the Registrar of Voters. She noted she was contacted by concerned citizens in Incline Village and some activists. She indicated she spoke with the County Manager and the Registrar of Voters and was assured there was no issue. She suggested elected officials and their families should not be poll workers. She mentioned her mother worked the polls yearly until Commissioner Jung ran for office the first time and she asked her mother to quit due to possible conflicts. She thought the incident needed to be investigated and wanted information presented to her.

Chair Hartung stated parcel number 080-740-02 was the area Commissioner Berkbigler asked about in Lemmon Valley. He pointed out the information was on the matrix provided to the Board. He asked staff to bring information including costs back to the Board for discussion.

Chair Hartung indicated he discussed the possibility of a sanctuary county with the Sheriff. He wondered what the implications would be to the Cities of Reno and Sparks due to there being separate law enforcement agencies. He stated he looked forward to further discussion about the matter.

Chair Hartung expressed concern about the Registrar of Voters issue in Incline Village.

Chair Hartung asked that clarification about when, where, how, and why moratoriums were used be brought to the Board.

CONSENT AGENDA ITEMS – 5A THROUGH 5H3

19-0382 **5A** Approval of minutes for the Board of County Commissioners' regular meetings of April 16, 2019 and April 23, 2019, and the concurrent meeting of April 29, 2019. Clerk. (All Commission Districts.)

19-0383 **5B** Recommendation to approve roll change requests, pursuant to NRS 361.765 and/or NRS 361.768, for errors discovered on the 2014/2015, 2015/2016, 2016/2017, 2017/2018 and 2018/2019 secured and unsecured tax rolls and authorize Chair to execute the changes described in Exhibits A and B and direct the Washoe County Treasurer to correct the error(s). [cumulative amount of decrease to all taxing entities \$34,326.14]. Assessor. (Commission Districts 1, 2, 3, 4, 5.)

19-0384 **5C** Recommendation to approve Organizational Agreement for Service-Learning, Internships or Field Study Placements between the Board of Regents of the University of Nevada System of Higher Education (University of Nevada, Reno) and Washoe County, through its Department of Juvenile Services, to establish a cooperative program for students to earn school credit and enhance their career development. The Agreement shall be effective upon board approval through July 31, 2021. Juvenile Services. (All Commission Districts.)

19-0385 **5D** Recommendation to approve and execute Resolution directing County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment in the following district: WCAD 32 - Spanish Springs Valley Ranch Rd and WCAD 37 – Spanish Springs Sewer Phase 1A, (additional description of affected parcels contained in exhibit A of attached Resolution) (No Fiscal Impact). Treasurer. (Commission District 4.)

- 19-0386** **5E** Recommendation to approve the first amendment to Interlocal Lease Contract between Washoe County and the State of Nevada, by and through its Department of Health and Human Services, to lease property located at the Northern Nevada Adult Mental Health Services campus, APN 032-050-56 for Washoe County programs that serve Northern Nevada's vulnerable populations; this amendment adds two facilities to the leased properties commonly known as buildings 602 and 605 [no lease cost to Washoe County.] Manager's Office. (Commission District 3.)
- 19-0387** **5F1** Recommendation to approve a Cancellation Agreement and associated Water Rights Deed to terminate a Water Sale Agreement between Washoe County and Black Rock City, LLC, and re-convey 4.48 acre-feet of water rights from Washoe County to Black Rock City, LLC. Community Services. (Commission District 5.)
- 19-0388** **5F2** Recommendation to approve a Water Rights Deed to re-convey 4.04 acre-feet of water rights from Washoe County to the Rusk Family Trust. Community Services. (Commission District 2.)
- 19-0389** **5F3** Recommendation to approve a Water Rights Deed to re-convey 4.04 acre-feet of water rights from Washoe County to Denver J. Miller Jr. and Luz R. Miller, husband and wife as joint tenants. Community Services. (Commission District 2.)
- 19-0390** **5F4** Recommendation to approve a Water Rights Deed to re-convey 7.64 acre-feet of water rights from Washoe County to Dyke Kauffmann and Beth Kauffmann. Community Services. (Commission District 2.)
- 19-0391** **5F5** Recommendation to approve a Water Rights Deed to re-convey 25.36 acre-feet of water rights from Washoe County to the Trust Agreement of Norine M. Gallagher, dated May 30, 2006. Community Services. (Commission District 2.)
- 19-0392** **5F6** Recommendation to approve a Water Rights Deed to re-convey 10.10 acre-feet of water rights from Washoe County to Reno Sparks Indian Colony. Community Services. (Commission District 5.)
- 19-0393** **5F7** Recommendation to approve Amendment #2 to the Interlocal Cooperative Agreement Regarding November 2000 Parks, Trails and Open Space Bonds-Golden Eagle Regional Park Little League Parking Lot between Washoe County and the City of Sparks to extend the term to June 30, 2020; and authorize Assistant County Manager Dave Solaro to execute all current or future time extension amendments and all appropriate City of Sparks related agreements and documents. Community Services. (Commission District 4.)

- 19-0394** **5F8** Recommendation to approve an Agreement for Professional Consulting Services between Washoe County and Interflow Hydrology, Inc., to provide shallow groundwater monitoring services within the South Truckee Meadows Water Reclamation Facility service area [\$120,250.00]. Community Services. (Commission District 2.)
- 19-0395** **5F9** Recommendation, pursuant to NRS 278.0262 and related authorities, to reappoint Larry Chesney, current member of the Washoe County Planning Commission, to the Truckee Meadows Regional Planning Commission for a term beginning July 1, 2019, and ending June 30, 2022, or until such time as a successor is appointed, whichever occurs first. Community Services. (All Commission Districts.)
- 19-0396** **5F10** Recommendation to approve, pursuant to NRS 278.040 and on the recommendation of the Chair, the reappointment of Sarah Chvilicek to the Washoe County Planning Commission to represent Commission District 5 (generally includes the areas of Verdi, North Valleys, Cold Springs, Warm Springs, portions of Sun Valley and all of the High Desert Area Planning Area extending to the Oregon border), to fill a term beginning on July 1, 2019, and ending on June 30, 2023, or until such time as Ms. Chvilicek no longer serves on the Planning Commission or a successor is appointed, whichever occurs first. Community Services. (Commission District 5.)
- 19-0397** **5F11** Recommendation to approve, on the recommendation of the Chair, the reappointment of Brad Stanley to the Washoe County Board of Adjustment to represent Commission District 2 (generally includes the Southeast Truckee Meadows area, the Southwest Truckee Meadows area, and Washoe Valley), to fill a term beginning on July 1, 2019, and ending on June 30, 2023, or until such time as Mr. Stanley no longer serves on the Board of Adjustment or a successor is appointed, whichever occurs first. Community Services. (Commission District 2.)
- 19-0398** **5G1** Recommendation to accept the 2018 HIDTA Northern Nevada Investigative Support Center funding [amount not to exceed \$15,000.00, no County match required] to be used for the necessary furniture, fixtures, computer equipment, software, email access, and desk phone the High Intensity Drug Trafficking Areas (HIDTA) Northern Nevada Intelligence Analyst will utilize while stationed in the Washoe County Sheriff's Office Northern Nevada Regional Intelligence Center as administered through Las Vegas Metro Police Department, for the retroactive grant period of 04/17/2019 - 12/31/2020, and direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

- 19-0399** **5G2** Recommendation to approve the Agreement between the Washoe County Sheriff's Office and Trauma Intervention Programs of Northern Nevada, Inc. (TIP) in the amount of [\$8,300.00, no charge to the County] for providing trauma intervention and victim advocacy assistance to the Sheriff's Office for the period of July 1, 2019 to June 30, 2022. Sheriff. (All Commission Districts.)
- 19-0400** **5G3** Recommendation to approve acceptance of 2018 HIDTA Northern Nevada Major Crimes Unit/ATAC funding [amount not to exceed \$90,000.00, no County match required] to be used for overtime, investigative, and travel expenses from High Intensity Drug Trafficking Areas (HIDTA) as administered through Las Vegas Metro Police Department, for the retroactive grant period of 01/01/2018 - 12/31/2019, and direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)
- 19-0401** **5G4** Recommendation to approve Security Agreement between the Reno Rodeo Association and the County of Washoe on behalf of Washoe County Sheriff's Office to provide uniformed Deputy Sheriffs for security [No fiscal impact to County, Estimated \$115,000 Annual Security Costs Reimbursed] during Reno Rodeo events occurring for the period of June 20, 2019 through the last day of the Reno Rodeo 2021 performance. Sheriff. (All Commission Districts.)
- 19-0402** **5G5** Recommendation to acknowledge Receipt of Status Report of Commissary Fund submitted by the Washoe County Sheriff's Office Commissary Committee for Third Quarter for Fiscal Year 18/19. Sheriff. (All Commission Districts.)
- 19-0403** **5H1** Recommendation to acknowledge a FY19 budget adjustment in the Human Services Agency (HSA), including Fund 228 - Child Protective Services (CPS) by moving [\$30,000] into the travel line item budget and [\$25,000] into the travel non-county employee item budget (net impact to CPS Fund is zero); and approve a FY19 budget adjustment in HAS Fund 221 - Indigent Assistance by moving [\$31,000] into the food purchases line item budget (net impact to Indigent Assistance Fund is zero). Human Services Agency. (All Commission Districts.)
- 19-0404** **5H2** Recommendation to approve amendments [\$0 net impact] for the FY18/19 Behavioral Health Coordinator Grant IO #11430; and direct the Comptroller's Office to make necessary budget amendments. Human Services Agency. (All Commission Districts.)

19-0405 **5H3** Recommendation to approve amendments [\$0 net impact] for the FY18/19 Mobile Outreach Safety Team Grant IO #11403; and direct the Comptroller's Office to make necessary budget amendments. Human Services Agency. (All Commission Districts.)

Commissioner Herman commented on the beautiful murals painted on the fence of the rodeo grounds.

Chief Deputy County Clerk Jan Galassini placed an email correspondence from Annemarie Grant pertaining to Agenda Item 5G2 on the record.

There was no public comment on the Consent Agenda Items listed above.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 5A through 5H3 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 5A through 5H3 are attached hereto and made a part of the minutes thereof.

19-0406 **AGENDA ITEM 6** Recommendation to acknowledge a grant award of [\$500,000, no County match required], awarded to the Second Judicial District Court from the State of Nevada, Department of Health and Human Services, to build INSPIRES, retroactive April 1, 2019 through September 30, 2019 for the Second Judicial District Court, and direct the Comptroller's Office to make the necessary budget amendments. District Court. (All Commission Districts.)

Chair Hartung requested that Agenda Items 6 and 7 be opened and heard together.

Second Judicial Court Judge Egan Walker stated he brought news of a community solution. He spoke about a program called Integrating Nevada, Supporting Partnerships, Improving Results, Effectuating Successes (INSPIRES). He said INSPIRES was a collaboration between the Washoe County Manager's Office, the Human Services Agency, the District Attorney's Office, the Public Defender's Office, the Alternate Public Defender's Office, Jan Evans Juvenile Justice, the Nevada Department of Education, and the Nevada Administrative Office of the Courts. The program was designed to help vulnerable children and citizens in the County. Finding the proper resources and the time to apply for a service was a struggle for many people but INSPIRES would answer these types of questions. He told a story about a student shot at Hug High School by a police officer and said that boy had complicated family dynamics. He wondered what he could have done differently. After the shooting, it was discovered the boy's family had eight dependency cases involving the children and five of the children were involved in Family Drug Court.

Judge Walker conducted a PowerPoint presentation and reviewed slides with the following titles: INSPIRES; Enhanced Resource Guidelines; B. One Family – One Judge Case Assignment and Calendaring; Complicated Systems & Processes; Complicated Family Trees; The legal actions implicated are.; Coordinated Court Case Management?; Where INSPIRES fits; Second Judicial District Court INSPIRES System; INSPIRES Architecture (2 slides); Main Panel; Assessments Panel; Program Data Panel; and Activities Panel (3 slides).

Judge Walker said people may have heard about the supercomputing system called IBM Watson, which was created to cure cancer. He stated the system could read every document ever written about cancer and its treatment and use predictive analytics to provide a doctor with suggestions for procedures that were proven successful. He wanted the same thing for children. He indicated this system could provide a judge up-to-date information about the needs and changes occurring with a child for when he had to make a decision. He said IBM would help them gather data from databases at the courts and social services and collate the information to be useful in decision-making. He could help a family by consolidating multiple cases in which they were involved so they would only have to come to the courthouse once instead of multiple times. He said this would make it easier for people to retain employment or not miss school. Social workers could have up-to-date information about clients and family members while working in the field, which would make decisions on the handling of a client more effective. The live information about changes or situations in a client's life would be crucial to determine certain behaviors. This program would help provide the right services for the right child at the right time. He stated this project was intended to go statewide so data could be used across the state.

Chair Hartung asked about other counties or states that were using this program. Judge Walker indicated the only other court in the country currently using augmented intelligence or enhanced intelligent abilities was in Ohio. He stated this program would put the State of Nevada and Washoe County on the map with health services and community services management.

Commissioner Lucey said it was an honor to work with Judge Walker and staff at the Second Judicial and Family Courts on this process. He was asked to participate early on to see presentations and how this evolved in the two years since it started. The solutions brought forward for Sonoma County helped streamline the processes within the Washoe County Court system. He thought families who had depleted all available resources in the community could benefit from this program and the cost benefits of consolidating resources would be significant. He stated the same data being available to all agencies would make a difference in how cases were handled. He indicated Clark County wanted to participate in the program to cover the entire State of Nevada. He hoped the program would be well supported.

Judge Walker introduced his local team, Court Administrator Jackie Bryant and Assistant Court Administrator Alicia Lerud. He said they were credited with

the discovery of the program when they attended a conference through IBM and saw the need for this in the community.

The IBM Watson team members introduced themselves: Walter Sedlazeck who focused on health and human Services and data integration; Ken Wolsey, who said it was his job to deliver on the promises made; and Tony Williams.

On the call for public comment, Mr. John Eppolito stated everything he heard from Judge Walker sounded like a great system and program. He said Nevada was one of few states that collected information on all children. The data collected through the Washoe County School District Online Infinite Campus program included medical, disciplinary, and psychiatric information which was collected and shared with the State Department of Education. He wondered why this information was being stored endlessly and why parents were not aware of this fact.

Commissioner Jung thanked Judge Walker for the information. She thought having current information could help identify stressors happening in someone's life when a judge considered sentencing or continuum of care. She commended Judge Walker for taking a tragedy and making something good out of it. She offered assistance with data collection and said she would do anything she could to help. She expressed appreciation to the people involved with this process. She appreciated that staff was conscious of people being in jail and the need to retain their jobs, children missing school for court appearances. She stated this partnership and this program would make Washoe County a model for working with families in crisis.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 6 be acknowledged and directed.

19-0407 **AGENDA ITEM 7** Recommendation to the Board of County Commissioners to acknowledge payment to IBM in an amount not to exceed [\$700,000] for fiscal year 2018-2019 and fiscal year 2019-2020 to build and provide one year of service for INSPIRES, including the use of \$100,000 of General Fund Contingency, and direct the Comptroller's Office to make the necessary budget appropriation transfers. District Court. (All Commission Districts.)

Agenda Item 7 was opened and discussed together with Agenda Item 6; see above for discussion.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 7 be acknowledged and directed.

11:30 a.m. **Commissioner Jung left the meeting.**

BLOCK VOTE - 8, 9, 10, 11, 12, 13, 14, 15, 16, and 18

19-0408 **AGENDA ITEM 8** Recommendation to authorize the Purchasing and Contracts Manager to issue multi-year purchase orders for temporary employment services with Acro Service Corporation, Manpower, Marathon Staffing Group, and Talent Framework, LLC, on a requirements basis, to cover the specified services for a period of approximately, effective July 1, 2019 to March 31, 2021 and to join onto UNLV's contract, number 7885, with My Next Career Path through February 22, 2020. [Estimated annual cost for services will be in excess of \$150,000.] Comptroller. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 8 be authorized.

19-0409 **AGENDA ITEM 9** Recommendation to approve primary award Bid #3078-19 for Printing Paper/Card Stock/Envelopes for Washoe County Digital Communications/Office of the County Manager and Washoe County School District to lowest responsive and responsible bidder, Spicer Paper, 47422 Kato Road, Fremont, CA, 94538 for an approximate annual amount for Washoe County of [\$110,000] and for an approximate annual amount for Washoe County School District of [\$47,000]; a Secondary grant awarded to Veritiv Express, 605 Glendale Avenue #105A, Sparks, NV 89431 for an approximate annual amount of [\$10,000]; and authorize the Purchasing and Contracts Manager to issue purchase orders to each specific firm, on a requirements basis, for one (1) year, commencing June 1, 2019 through May 31, 2020, with an option for two (2) additional one (1) year renewal periods, provided pricing does not increase beyond that allowed in the bid. Manager's Office. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 9 be approved and authorized.

19-0410 **AGENDA ITEM 10** Recommendation to approve an agreement between Washoe County, the Washoe County School District, Orr Ditch and Extensions Water Company and the Reno Sparks Convention and Visitors' Authority concerning the duties and costs of design, construction, maintenance, repair, access and liability associated with the relocation and undergrounding of a portion of the Orr Ditch located on a portion of the Wildcreek Golf Course in Sparks, Nevada. Community Services. (Commission District 3.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 10 be approved.

19-0411 **AGENDA ITEM 12** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the 75 Court Street - HVAC Package Unit Replacement Project, [staff recommends ACCO Engineered Systems, in the amount of \$368,554.00]; and, if approved, direct the Comptroller's Office to make the necessary cross-functional budget appropriation transfers [net impact to County budget is zero]. Community Services. (Commission District 3.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 12 be awarded, approved, and directed.

19-0412 **AGENDA ITEM 13** Recommendation to: 1) award a bid and approve the Agreement to the lowest responsive, responsible bidder for the 2019/2020 Slurry Seal for Selected Streets in Washoe County, PWP-WA-2019-199 project [staff recommends Sierra Nevada Construction in the amount of \$2,774,007]; and 2) approve a separate project contingency fund [in the amount of \$300,000]. Community Services. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 13 be awarded and approved.

19-0413 **AGENDA ITEM 14** Recommendation to award Request For Proposal (RFP) 3079-19 for the Child Protection Facility Operator at Kids Kottage Campus to the only responsible bidder, Core Dynamics, LLC for the term of 25 (twenty-five) months commencing May 30, 2019 to June 30, 2021 with the provision for three (3), one (1) year renewals, in an amount not to exceed [\$4,468,000] for the first thirteen months, and an amount not to exceed [\$4,403,808] annually thereafter ; and if approved authorize the Chair to execute the Agreement. Human Services Agency. (All Commission Districts).

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 14 be awarded and authorized.

19-0414 **AGENDA ITEM 15** Recommendation to approve Amendment #1 to the current Intrastate Interlocal Contract between the State of Nevada Department of Health and Human Services Aging and Disability Services Division and Washoe County to reflect rate changes to Attachment B - Service Billing, for ongoing services to children with intellectual and developmental disabilities, and if approved authorize the Chair to sign the Amendment #1. Human Services Agency. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkgigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 15 be approved and authorized. The Intrastate Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

19-0415 **AGENDA ITEM 16** Recommendation to approve an Agreement in Support of Pro-Bono and Low-Cost Legal Services for Elderly between Washoe County and Washoe Legal Services in the approximate annual amount not to exceed [\$65,000] per year to be funded by applicable court filing fees, and in the approximate annual amount not to exceed [\$75,000] to be funded by Ad valorem tax for a total annual amount not to exceed [\$140,000] for the period of July 1, 2019 to June 30, 2020, with the option to be extended for one (1) additional year, and approve necessary resolution for same. Human Services Agency. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 16 be approved. The Resolution for same is attached hereto and made a part of the minutes thereof.

19-0416 **AGENDA ITEM 18** Recommendation to approve the Interlocal Agreement Between Washoe County on Behalf of the Washoe County Sheriff's Office and the Truckee Meadows Fire Protection District for Dispatch Services for the period of July 1, 2019 through June 30, 2022, in an amount not to exceed [\$875,000.00] per fiscal year, with an option to extend one additional year. Sheriff. (All Commission Districts.)

There was no public comment on this item.

On motion by Commissioner Lucey, seconded by Commissioner Berkbigler, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 18 be approved. The Interlocal Agreement for same is attached hereto and made a part of the minutes thereof.

19-0417 **AGENDA ITEM 11** Recommendation to approve an Interlocal Agreement between Washoe County and the City of Reno for Municipal Wastewater Services (StoneGate Development) establishing the rights and responsibilities for the conveyance, treatment and effluent management of wastewater flows from the StoneGate Master Planned Community to the Washoe County Cold Springs Water Reclamation Facility. Community Services. (Commission District 5.)

11:36 a.m. **Commissioner Jung returned to the meeting.**

Director of Engineering and Capital Projects Dwayne Smith stated this was a request for approval of an agreement approved on December 11, 2018. He indicated Washoe County owned and operated the only waste water treatment facility in the Cold Springs area. He said the Heinz Ranch development was included in the 2002 facility plan and the project was updated in the 2017 update. It became of the StoneGate development, which included a higher density and number of homes than the previous development plan. Flow projections were also included in the updates of the 2017 plan. Previously, when Washoe County systems were utilized by others, agreements in place could be complicated for both development and staff. He stated establishing rights and responsibilities for the conveyance, treatment, and effluent management at this stage was the most efficient approach. He explained this agreement would allow Washoe County to own, operate, maintain, repair, and replace the sanitary sewer infrastructure located within City of Reno street areas and offsite facilities. He said appropriate easements were provided, including a general blanket easement for sewer lines within City of Reno streets. He explained similar practices took place in south Reno with the City of Reno having pipelines located within Washoe County streets. This agreement was recently approved by the Reno City Council on a vote of 5-1.

Chair Hartung read from the second paragraph of the background information provided in the staff report. He asked about the capacity of the facility. Mr. Smith stated the existing permitted capacity was 700,000 gallons per day; the current daily flow was less than half of that capacity.

Chair Hartung questioned why the County did not work with the people at the StoneGate development to create class A+ water so it would not create effluent. He said this process was happening in south Truckee Meadows and he wanted information about the plan and why new customers were not getting class A+ water. Mr. Smith stated he agreed with Chair Hartung. The developers of StoneGate committed to technical expertise in the future to proceed with feasibility studies associated with class A+ water. He reminded the Board that staff was actively engaged with the Nevada Water Innovation Institute at the University of Nevada, Reno to understand the opportunities associated with class A+ water. He stated there were many processes to get through but there was noticeable success already. He explained staff had planned for future expansion and expected additional homes in the area in the future. He thought the expansion would move them closer to providing class A+ water in the future.

Commissioner Herman stated many people in the area were concerned with the County's ability to handle these situations. Mr. Smith replied the facility was technically advanced, successful, and had no permit issues with implementation of the system to protect the waste water treatment plant. He indicated he expected the plant in Cold Springs to be successful.

Chair Hartung thought no return flow requirements would be placed on the Cold Springs plant. Mr. Smith confirmed there were no requirements. He stated the method for treating effluent was the same for any wastewater that came into the facility, which ultimately became the ownership and responsibility of the treatment plant. When a return flow was required, the developer was obligated to dedicate the necessary water and return flow water.

Mr. Smith said staff needed to understand the all the responsibilities in making class A+ quality water from effluent; this was in process but not finalized. He indicated the water from that facility met the standard requirements of class C water. He said the water was sent to the rapid infiltration basins and percolated through the ground to recharge the existing groundwater table. He reiterated staff was committed to producing class A+ water in the future. Chair Hartung expressed disappointment that class C water was currently being produced.

On motion by Commissioner Berkbigler, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 11 be approved. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

19-0418

AGENDA ITEM 23 Public hearing: Appeal of the Washoe County Board of Adjustment's approval of Special Use Permit Case Number WSUP19-0001 (Incline Village Monopole). The project is for: 1. The construction of a new wireless cellular facility consisting of a 117-foot high stealth monopine structure (aka cell phone tower disguised to resemble a pine tree) designed as a collocation facility; and 2. A minor deviation to vary the height standard and increase the monopine by 5 feet, to a total height of 117 feet. The Board of County Commissioners may affirm, reverse, or modify the decision of the Board of Adjustment. The appellants are Robert Holman, Wayne Ford, Peter Todoroff, Ronda Tycer, Jack Dalton, Amanda Bloomer, and Michael and Helen Abel. The property owner is KBS Inc. and applicant is Incline Partners, LLC. The monopole is proposed to be located on a vacant parcel, approximately 100 feet south of the intersection of Incline Way and Village Blvd. on the west side of Village Blvd. approximately 30 feet west of the easterly parcel line bordering Village Blvd. The Assessor's Parcel Number is 132-221-11. The Master Plan Category is Commercial (C) and the Regulatory Zone is General Commercial (GC). The project is located within the Tahoe Area Plan and within the Incline Village Crystal Bay Citizen Advisory Board boundary. The request comes under WCC Chapter 110, Article 324 Communication Facilities; Article 810, Special Use Permits and Article 804, Minor Deviations. Community Services. (Commission District 1.)

The Chair opened the public hearing.

Planner Julee Olander said she could provide a presentation if the Board desired. Commissioner Berkbigler stated she did not need a presentation but it was up to the rest of the Board. Deputy District Attorney Paul Lipparelli stated this item was a public hearing on an appeal so it would be better for the record if a brief presentation was made.

Ms. Olander conducted a PowerPoint presentation and reviewed slides entitled: Background; Request; Location; Request; Site Characteristics; Site Plan; View from Village Blvd – looking west; Monopine Structure; Analysis; Wireless Coverage; Alternate Site Locations; Analysis; Public Notice & CAB; Findings (2 slides); NRS 707.585 requirement; and Possible Motion.

Commissioner Berkbigler was curious about the noise level this would create. Ms. Olander thought it would be minimal but stated the applicant could provide detailed information. Commissioner Berkbigler asked about the type of fuel the generator took. Ms. Olander replied diesel fuel.

Mr. Lipparelli suggested the appellant be called to speak once the Commissioners were finished asking questions. The appellant had the burden of proof to overturn the decision from the Board of Adjustment (BOA) and should have the

opportunity to make their case. If multiple people represented the appellant, they could agree on one spokesperson; if not, anyone who wanted to speak could do so.

Mr. Wayne Ford said he represented the appellants but stated individuals also wanted to speak during the public comment section. He understood he had 15 minutes to make a presentation. James Walsh, attorney for the appellant, stated Mr. Ford would make a presentation but said he wanted a brief opportunity to speak after the presentation.

Mr. Ford explained Incline Village's community plan stated the goal of the community was to have friendly, interesting, and aesthetically pleasing areas. He stated this tower and industrial yard would be a detriment to many of those goals to maintain the natural environment. The square footage of the lot where the proposed monopole would be located would encompass 2,122 square feet of area on an existing dental office's property. The cell tower could be seen from a nearby trail. He noted the trail designation was never outlined by the planner in her documents. The trail application stated there could not be a cell tower within 1,000 square feet unless a significant gap was present.

Mr. Ford conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk, and reviewed slides with the following titles: Appeal of Board of Adjustment Approval of WSUP19-0001 Incline Village Monopole; Presentation Outline; Planning Framework; The Locale; Area Parcel Map; Reasons to Reject Approval; Permanent Negative Impact; Perspective – Before & After; Equipment Shelters/Compound Scale; Application and Approval Process Deeply Flawed; Misleading Images; Questionable Need; Applicant's Map; Existing Coverage Maps; Tunnel Creek Tower Coverage – Verizon improvement; Site Itself Is Inadequate and Inappropriate; Not Wanted by Residents; Environmental and Health Impacts; Examples of Debris; Comments from Mr. Walsh; and Summary.

Mr. Walsh said the initial appeal was filed on behalf of Robert and Robin Holman, who were tragically killed in a recent plane crash, but he stated their heirs opposed the tower. He stated concerns were raised about the Board being compelled to approve this project due to federal regulations and he thought the staff report favored approval. Staff's information did not include the language of the Telecommunications Act 47 US Code section 332 number 7A, which provided the specific act shall not do anything to restrict local authorities' decision regarding placement, construction, and modification of wireless towers. The Board had the clear authority to deny the application due to certain restrictions of discrimination and prohibitions, but the case authority and the US Supreme Court provided the guidelines to deny an application. He stated the Board could also deny the application based on environmental impacts, neighborhood impacts, aesthetics, viable alternatives, and sufficiency of other coverage. All of those denials had been upheld in court. Significant gaps in coverage did not mean weak or sporadic coverage, it meant no coverage. Documents were provided to the Clerk for the record.

Mr. Lipparelli stated the appellants should be offered the opportunity to provide a presentation or to speak if they felt specific concerns were not addressed. If they spoke as appellants, they would not have the need to speak under public comment. He stated other people wishing to speak that were not appellants could speak under public comment. He said the Board was not required to provide people two opportunities to speak. He clarified public comment was three minutes but the Chair had the discretion to allow extra time.

Mike Flynn from Incline Partners stated he represented the applicant. He addressed several concerns by stating a variance had not been requested, the distance from schools was .25 and .33 miles, and the proposed tower was shorter than the Mountain Course tower, which was 126 feet tall and had been on the golf course since 2007 without any issues. He stated the equipment yard for the tower would be screened. He was unclear where the AT&T coverage information was received but was he thought it was not from the wireless carrier. He mentioned the owner of the dental office was the landlord and wanted the extra parcel developed this way. He explained significant gap coverage did not apply to a general commercial site. He indicated he sent a rebuttal to the Commissioners, a copy of which was placed on file with the Clerk.

Mr. Flynn conducted a PowerPoint presentation and reviewed slides with the following titles: Ponderosa Ranch Coverage Maps and Incline Village 700 MHz LTE Coverage. He stated all carriers had access to the cell tower and it would greatly increase cellular coverage over the Incline Village area that was lacking. He said all networks were experiencing capacity issues and this tower would solve the issue. He explained the site was the best because of the line of sight east and west. He indicated the major carriers, AT&T, Verizon, Sprint, and T-Mobile, had approached them to lease space on the tower. Building to the height requested was allowable under the general commercial zoning designation and permissible in the Washoe County and TRPA plans with a special use permit. He said multi-jurisdictional code compliance required the applicant to meet the more restrictive elements of both codes. Testing had occurred and the height, use, and scenic quality of the tower had been approved. He stated a noise analysis was conducted and the noise from the backup generator did not exceed recommended sound levels. The Regional Plan supported all design elements and had received approval from Washoe County, the BOA, and the TRPA. He explained that 650 property owners were notified of the proposed cell tower. He indicated the view of three homeowners would be blocked and they opposed the tower location. Photos of the view in question were placed on file with the Clerk.

Mr. Lipparelli stated the appellants had the burden of persuasion under Code and it was acceptable to allow for a rebuttal, but the amount of time should be less than the original presentation.

Mr. Walsh stated a bike path was near the proposed tower. A significant gap around the area was required by code but it was not indicated on the map. He showed an article about Incline bike paths but it was not provided to the Clerk.

Mr. Ford stated the transfer coverage of 2,300 square feet was the maximum this site would ever be allowed to have. He said the land capability was at 30 percent of the allowable coverage, which meant the dental office would be prohibited to expand or add any additional parking. He wondered where snow would be stored since the proposed tower would be placed in the current snow storage area.

Commissioner Berkbigler asked the applicant about the decibel level. Mr. Flynn stated a study was conducted at two of the nearest residential areas; one was 40 decibels and the other was 43 decibels. He stated the maximum County noise level was 65 decibels.

Commissioner Jung asked Mr. Lipparelli about local control over cell towers. Mr. Lipparelli explained federal law applied in certain circumstances due to Federal Communications Commission (FCC) regulations concerning broadcast and radio facilities. There were certain decisions local governments could not make, which were described in earlier presentations. He stated local governments retained authority over items such as special use permits. This application involved a commercial parcel and cell towers were not permitted in commercial zones without special use permits; that was the purpose of this application.

Commissioner Jung asked for confirmation that data and health effects were not the responsibility of the County but were instead a federal responsibility. Mr. Lipparelli indicated the FCC oversaw the potential health effects of radio facilities. Any complaints would be made to the FCC directly. He stated the Board should focus on the land use issues.

Commissioner Berkbigler said the applicant was not asking for a variance because 112.5-feet was a normal height. Mr. Flynn confirmed it was not a variance but a minor deviation.

The following individuals spoke in opposition to the approval of the monopole proposed in Incline Village: Mr. Pete Todoroff; Ms. Sara Schmitz; Mr. Jack Dalton; Ms. Linda Newman; Ms. Ronda Tycker; Mr. Richard Miner; Ms. Diane Heirshberg; Mr. Larry Black; Ms. Carole Black; Ms. Gay Bentley; Mr. Frank Wright; Mr. Michael Abel; Mr. John Eppolito; Mr. Harlan Rodriguez; Ms. Laurie Rodriguez; and Mr. Ben Dosseff. Documents from the following individuals were submitted to the Clerk for the record: Ms. Ronda Tycker; Ms. Diane Heirshberg; Mr. Larry Black; Ms. Carole Black; and Mr. Michael Abel.

The above listed individuals expressed concerns including: the lack of a need for additional cell coverage; health and safety issues; the creation of an eyesore in the neighborhood; a failure of the project to comply with Tahoe Regional Planning Agency guidelines; a decrease in home values; the distance of the pole to a walking path being only 500 feet; the fact there were other towers in the area; excess noise from the generator when power was out; the imminent approval of 5G technology; and the availability of locations with less visibility to residents and visitors.

Mr. Carl Thoms spoke in favor of the proposed monopole, stating cell service in the area was poor and his calls would drop on a regular basis.

Mr. Matthew Ellinwood stated his cell service was fair to unreliable on weekends and he was concerned about negative service and delayed responses. He said he was without service when hiking in outlying areas. He urged the Board to approve the proposed tower.

On motion by Commissioner Berkbigler, seconded by Commissioner Lucey, which motion duly carried on a 5-0 vote, it was ordered that the Board of Adjustment decision be reversed. The findings for this item included: inconsistency between the action program policy standards of the master plan and the Tahoe Area plan, which could not be found consistent until the Board saw the final plan; site suitability due to requirements that a monopole be 1,000 feet from a walking path unless a significant gap was present; the possibility the tower could max out the location for future monopoles needed for additional cell coverage in the area; and the detriment to residents near the site that could be caused by the large black fence around the equipment and the excessive noise.

19-0419 **AGENDA ITEM 17** Recommendation to approve a resolution transferring Washoe County's 2019 pro-rata share of the State of Nevada's Private Activity Bonding Authority (\$5,798,463.39) to the Director of the State of Nevada Department of Building and Industry to support the construction of approximately 420 affordable housing units as part of the Dandini Spectrum mixed use development project at the northeast corner of US 395 North and Dandini Boulevard (APNs: 035-681-01, 02 - Owner, Dandini-Spectrum LLC) and to authorize the chair to sign the resolution. Community Services. (All Commission Districts.)

1:36 p.m. **Commissioner Jung left the meeting.**

Senior Planner Eric Young explained this was an opportunity for the County to direct its portion of private activity bonding towards a specific project. He indicated the State received a certain amount of funds every year from the federal government and each state was able to determine the process to allocate them. The State of Nevada retained half of the funds and the other half was offered to each local jurisdiction for projects geared towards affordable housing. Parkside Gardens, the Marina District, the Bluffs, and Willow Point were all projects supported by this type of funding. He said counties stopped asking for this funding so for many years the funds were allocated to the Nevada Rural Housing Authority's first time home buyers project.

Mr. Young stated the request was for a 420-unit affordable housing project near Dandini and Spectrum Boulevards. According to the application, 60 percent of area median income (AMI) would be maintained. The AMI level could be affordable to senior citizens, workforce housing, and employee housing. He said the 60 percent AMI was an important target to meet. He indicated the City of Reno approved a site plan for the

project with a special use permit, but the bond needed to be requested by the County and the State in order to achieve funding. He stated this was a normal process for obtaining money from the State for similar projects. He explained Ken Krater from Operation Downtown submitted an application for funding and was asked to submit a comprehensive letter describing the intentions and including the approved special use permit with the application. He noted those documents were included in the staff report for the Board to review. He stated Mr. Krater was present to answer any questions.

Commissioner Berkbigler mentioned the location had access to public transportation service. She thought it was a good location for affordable housing.

Mr. Krater thanked staff for their assistance in helping him move this project forward. He expressed excitement about it and said it was a long time coming. He said a housing developer in the area developed many affordable housing projects but had sadly passed away. He hoped this project could get affordable housing back on track.

There was no public comment on this item.

On motion by Commissioner Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 4-0 vote with Commissioner Jung absent, it was ordered that Agenda Item 17 be approved and authorized. The Resolution for same is attached hereto and made a part of the minutes thereof.

19-0420 **AGENDA ITEM 24** Public hearing: Appeal of the Washoe County Board of Adjustment's denial of Variance Case Number WPVAR19-0001 (Greenview HOA Garages). The project is for a variance to reduce the front yard setback from 15-feet to 1 ½-feet and the northwest side yard setback from 5-feet to 1-foot. This variance would allow the construction of one single car garage and one two-car garage in the common area. The Board of County Commissioners may affirm, reverse, or modify the decision of the Board of Adjustment. The applicant and property owner is Greenview HOA. The address is 692 Palmer Ct. in Incline Village. The Assessor's Parcel Number is 128-310-05. The Master Plan Category is Urban Residential (UR) and the Regulatory Zone is Low Density Urban (LDU). The project is located within the Tahoe Area Plan and within the Incline Village Crystal Bay Citizen Advisory Board boundary. The variance request comes under WCC Chapter 110, Article 804, Variances. Community Services. (Commission District 1.)

Assistant County Manager Dave Solaro conducted a PowerPoint presentation and reviewed slides with the following titles: Appeal; Background (3 slides); Garage Locations; Location of 1-car garage; Location of 2-car garage; and Site Plan.

Mr. Solaro stated the appellant requested to continue this item to a future meeting.

Chair Hartung asked about the distance between the setback and the neighbor on the left side. He thought it looked approximately three feet. Mr. Solaro stated the setback was approximately 4.5 feet.

Planner Julee Olander indicated the setback was approximately five feet to the property line. She stated the boat shown in the photo was in the setback area. Ms. Olander continued the PowerPoint presentation and reviewed slides with the following titles: Site Plan (2 slides); Proposed 1-Car Garage Elevations; Proposed 2-Car Garages Elevations; Analysis; Sewer Easement/Open Space Easement; Citizen Advisory Board/Public Comment; Project Site; and Possible Motion. She stated all condominiums in the cul-de-sac already had garages; this was the only unit that did not. She noted the applicant and appellant were present.

Chair Hartung denied the request for continuance and Commissioner Berkbigler agreed.

Commissioner Berkbigler saw that the Board of Adjustment (BOA) denied the proposed variance based on the findings of a detriment, yet their own statement indicated the relief would not create a substantial detriment to the public good. The construction of the garages would keep vehicles from parking on public rights-of-way and allow for the protection of vehicles during snow removal. It seemed to her that building garages was an excellent idea because other residents had garages and there was no detriment to them by obstructing the view of the Lake. She thought a motion was in order to deny the action of the BOA based on the fact there was certainly no detriment to any neighbors and no special privilege was being given to the applicant.

1:54 p.m. Commissioner Jung returned to the meeting.

Appellant John Hash stated he was impressed by the proceedings of the Board.

Deputy District Attorney Paul Lipparelli asked whether Mr. Hash objected to proceeding with the hearing. Mr. Hash stated he did not. He indicated other owners were present but they did not feel the need to speak about the appeal.

On the call for public comment, Mr. Peter Todoroff, Chairman of the Incline Village Citizen Advisory Board (CAB), stated this item was denied twice by both the CAB and the BOA. He stated it was denied because the location backed up to state land and was a watershed. He indicated four units were located on the property but only two garages, and he wondered about options for other residents without a garage. He said a neighbor in the area emailed him and complained one of the garages would block their view. Mr. Todoroff expressed concern about access to the back unit in the event of a fire. He stated snow accumulation would fall off the roof and prevent access to the back unit. He did not know the reason the appeal went to the CAB and BOA twice.

Mr. Richard Kovach stated he opposed the approval of this variance. He noted this was the second time a variance had been requested, the first happening in 2017. He said the units were built in the late 1970s or early 1980s and said he purchased his home knowing he would need a garage. He stated plenty of places with garages were listed for sale in the area. He thought a garage would be an eyesore and Nevada State Lands opposed the variance as well. He expressed frustration that Commissioner Berkbigler prematurely stated she was in support of the variance before anyone was allowed to speak about possible concerns. He said he was a permanent year-round resident and opposed this being approved.

Mr. Ross Maunowski, Mr. Tao Fung, Mr. John Hash, and Mr. George Learmonth declined to speak when called but indicated they supported approval of the variance.

Ms. Sherri Barker, Tahoe Land Agent for the Nevada Division of State Lands, stated she was in opposition to the issuance of a variance for this project. She indicated the agency managed almost 500 parcels in the Lake Tahoe basin acquired through the Tahoe Bond Act of 1986. The public lands were designated as conservation areas and were maintained in their natural state as open space in perpetuity for the benefit of Lake Tahoe and local residents. An adjacent lot to the property had numerous issues including boat storage, vehicle parking, social trails, yard maintenance equipment, construction debris, and snow storage from adjacent properties. She noted considerable expense had been incurred by the State of Nevada to restore the property as required by the Tahoe Bond Act. The Nevada Division of State Lands entered the property on several occasions to conduct vegetation management, reduce fuel loads, and remove dead trees. Historically, reduction of setbacks resulted in negative consequences to the State of Nevada properties, including encroachment by the neighborhood community, soils that were moist for a greater portion of the year, human impacts to the site, and impacts to the root systems of vegetation of the State parcel. She said their objectives could only be achieved with cooperation from the local community and support from other government agencies. Encroachment from heavy equipment activity, storage of building materials, and excessive foot traffic were detrimental to the State-owned property and would reverse many years of restoration management. She stated the Nevada Division of State Lands looked to other government agencies to recognize the long-term management goals for the ecosystem, health, and water quality of Lake Tahoe. She asked the Board to thoroughly consider this request.

Commissioner Berkbigler did not understand why this item was back for a third time. She noted the Board frequently reviewed variances for Incline Village. She stated she had an appointment scheduled with the applicant but she did not keep it. She clarified she did not speak to or attend a meeting with the applicant regarding this item. Her opinion was based on a recent visit to the site and said it did not appear to encroach on the State land and the Tahoe Regional Planning Agency (TRPA) would not allow runoff without issuing significant fines. She stated fire services did not believe it would be an issue to gain access to the back of the parcel in question. She stated she stood by her decision.

Mr. Lipparelli questioned whether Commissioner Berkgigler had previously observed the conditions in Lake Tahoe and wondered whether her field observations were consistent with the materials provided in the Board packet. Commissioner Berkgigler responded they were.

Chair Hartung pointed out a map he reviewed said the State of Nevada land was on the opposite side of where the proposed garage would be.

Commissioner Jung stated she would support the decision but encouraged Ms. Barker and the Nevada Division of State Lands to keep an eye on the parcel. She trusted what Commissioner Berkgigler said about the TRPA watching this closely. She stated the State lands had been cleaned up and she did not want the area to be encroached upon or the water quality changed. She explained views and airspace were not owned so that could not be an issue. She asked Ms. Barker to come back in the future with a report about the changes.

On motion by Commissioner Berkgigler, seconded by Commissioner Lucey, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 24 be approved and the decision of the Board of Adjustment be reversed.

Findings included that a detriment to the surrounding lands or to neighbors did not appear as no one was complaining about visibility, no special privileges were being granted to the owner because there were other garages built in the area, and it would accommodate snow removal equipment.

19-0421 **AGENDA ITEM 21** Public Hearing: Second reading and adoption of an ordinance pursuant to NRS 278.0201 through 278.0207 approving a Development Agreement as required by the Warm Springs Specific Plan at WSSP.8.1 to utilize the land use designation specified on the Warm Springs Specific Plan - Land Use Plan for: Tentative Parcel Map Case Numbers WTPM17-0015, WTPM17-0017, WTPM17-0018, WTPM17-0019 and WTPM17-0020 (Palomino Ranch Estates #1, #2, #3, #4 & #5) – Which were a series of tentative parcel maps which approved the division of a 67.60 acre parcel into fifteen total lots ranging from 2.5 acres to 5 acres in size. In order to develop any property in the WSSP more densely than General Rural (1 dwelling unit / 40 acres), the specific plan requires that these development agreements be approved. Among other things, the development agreements adopt the development standards handbook for the properties in question, which specifies the denser development potential available on affected properties, which in this case would result in individual residential parcels of 2.5 acres or 5 acres in size. Additionally, the agreements would specify other aspects of allowable development on the properties, including uses allowed, density and intensity of those uses, building sizes, setbacks, building heights, and other matters concerning the development of the land. The allowable density in the High Density Rural zone is one dwelling per 2.5 acres. The applicant

and property owner is LW Land Company, the subject site is approximately 67.6 acres in size and is located at the south end of Grass Valley Road, approximately ½ mile south of Whiskey Springs Road, the Assessor's Parcel Number is 077-130-23, the Master Plan Category is Rural Residential and the Regulatory Zone is High Density Rural. And, If approved, authorize the Chair of the Board of County Commissioners to sign the Agreement. Community Services. (Commission District 5.)

Jan Galassini, Chief Deputy County Clerk, read the title for Ordinance No. 1635, Bill No. 1822.

Chair Hartung asked whether there had been any changes since the bill was introduced. Senior Planner Roger Pelham replied documents had been corrected and were provided in the staff report. He stated he prepared a presentation but it contained the same information that was previously discussed.

Commissioner Herman said she was concerned about the 2.5-acre parcels and Mr. Pelham would hear from her if someone bought it and there were issues.

There was no public comment on this item.

On motion by Commissioner Herman, seconded by Commissioner Berkbigler, which motion duly carried on a 5-0 vote, it was ordered that Ordinance No. 1635, Bill No. 1822, be adopted, approved and published in accordance with NRS 244.100.

19-0422 **AGENDA ITEM 22** Public hearing: Approve an Outdoor Festival Business License application (pursuant to Washoe County Code Chapter 25 and related provisions) and associated license conditions submitted by the Incline Community Business Association for the Incline Village Crystal Bay Fireworks Coalition to put on a fireworks show on July 4, 2019 at the Incline Village Beach (APN: 127-280-01) on a barge in Lake Tahoe off the beach area. Event set-up is proposed from July 1 to 4, 2019, with the fireworks show occurring at 9:30 p.m. on July 4th. Event take-down and dismantling is proposed to occur following the fireworks show. Event organizers estimate 10,000 spectators. If approved, authorize the Director of the Planning and Building Division, Community Services Department to issue the license when all pre-event conditions have been met. Community Services. (Commission District 1.)

The Chair opened the public hearing.

Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles: Incline Village/Crystal Bay Fireworks and Event Schedule. She stated the item was only for the fireworks portion of the event.

Commissioner Berkbigler thanked the people involved for getting this completed so early.

Ms. Olander complimented everyone who worked on this event. She said she could not speak of them highly enough because she heard about the horror stories from past years.

On the call for public comment, Mr. Pete Todoroff was called but was not present to speak.

Andy Chapman, President and CEO of the Incline Village-Crystal Bay Visitor Bureau, said he was speaking on behalf of the Incline Village-Crystal Bay Firework Coalition. He said he knew the Board went through a lot of turmoil with this event in previous years. He stated five conditions had been flagged and four of the items had been submitted back to Ms. Olander. He recognized the Incline Community Business Association, Incline Village General Improvement District, Hyatt, and Parasol for their partnerships with this event. He hoped to have a great fireworks show on the 4th of July.

On motion by Commissioner Berkbigler, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 22 be approved and authorized.

19-0423 **AGENDA ITEM 20** Public hearing re-noticed second reading and possible re-adoption of ordinance No. 1628, amending Chapter 5 of the Washoe County Code by repealing sections of the Travel Regulation Ordinance related to per diem allowances for travel advances and receipts for transportation by public conveyance; and by revising sections of the Travel Regulation Ordinance related to: the policy of the Board of County Commissioners related to travel by county officers and employees; registration fees for courses, seminars, conferences and workshops; requests for permission to travel; travel accounts and special accounts; emergency travel; recruitment expenses; moving expenses; payment of travel expenses; transportation expenses; living expenses; local business expenses; legislative and lobbying expenses; advance payments; travel advances constituting a lien on a county officer or employee's accrued wages; filing travel claims; travel authorization for employees performing services in the outlying areas of Washoe County; departmental regulations concerning travel; use of county vehicles; use of private vehicles; travel and moving expenses upon an employee's transfer; prohibition of salary advances; and other matters properly relating thereto. Manager's Office. (All Commission Districts.) (Bill No. 1815).

Assistant County Manager Christine Vuletich stated this item was previously heard and the Board approved an update to the travel ordinance, but unfortunately the public hearing was not properly noticed so it was back before the Board for re-adoption. She stated the item was for cleanup of the ordinance. Due to the length of

the document, staff recommended it be made into a guide for elected officials for traveling. She stated the Comptroller's Office created the document.

Jan Galassini, Chief Deputy County Clerk, read the title for Ordinance No. 1628, Bill No. 1815.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried on a 5-0 vote, it was ordered that Ordinance No. 1628, Bill No. 1815, be adopted, approved, and published in accordance with NRS 244.100.

19-0424 **AGENDA ITEM 19** Discussion and possible direction on the appointment of an Interim County Manager effective June 14, 2019. Human Resources. (All Commission Districts.)

County Manager John Slaughter stated this item was placed on the agenda to receive direction from the Board. The appointment would occur at the June 11 Board of County Commissioners meeting.

Deputy District Attorney Paul Lipparelli stated the Attorney General (AG) required the names of possible interim appointees to be listed on the agenda. He did not believe this action was being taken against a person as the law stated, but it was the opinion of the AG. Without this meeting to discuss the process, there would be no opportunity for Commissioners to describe the process they wanted to use to fill this position.

Chair Hartung said he only saw the names of the Assistant County Managers (ACMs) in the staff report.

Commissioner Jung wondered about the ACMs being the only options considered. She wanted each Commissioner to place an individual name on the agenda for consideration.

Based on his discussion with the ACMs, Mr. Slaughter stated each of them was interested in the position for the interim period of five to six months.

Chair Hartung asked whether protocol allowed for Commissioners to provide the County Manager with names they wanted on the list of individuals to be considered for Interim County Manager.

Mr. Lipparelli stated he and Mr. Slaughter discussed an ordinance the Board approved in the past year which provided authority to the County Manager to appoint a person to serve in that capacity if he was suddenly unavailable. He indicated Mr. Slaughter could appoint someone as the County Manager until someone was permanently selected.

Chair Hartung indicated he did not want the County Manger to appoint an Interim County Manager.

Commissioner Jung stated she did receive a briefing on this issue and thought it was unexpected. She did not agree that the ACMs should automatically be added to the list of considerations. She thought there were more people interested and she wanted to be allowed to provide individuals' names. She remarked the County Manager was in no position to name an Interim Manager to take over for him when he left. She wanted to know more about the process and the best practices for this situation. She requested clarity about what the Board was looking for in a County Manager and said an Interim Manager might become a person they loved after four months. She wondered whether this would limit the candidate pool. She indicated the decision was the Board's responsibility. The agenda item needed to be written more clearly. She wondered who else was interested in the position and thought the process was not being followed.

Mr. Lipparelli stated the meeting would be June 11 and Mr. Slaughter's last day was scheduled for June 14. The Board could do as it desired but the AG's decision required the individuals being considered for the interim position to be listed on a meeting agenda. The information needed to be relayed by June 5 in order to be published on the agenda for the June 11 meeting.

Commissioner Berkbigler asked the Chair to clarify the ACMs and any other names Commissioners provided would be on the agenda, which Chair Hartung confirmed.

There was no public comment on this item.

19-0425 **AGENDA ITEM 25** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County, Truckee Meadows Fire Protection District, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager's Office. (All Commission Districts.)

County Manager John Slaughter stated Government Affairs Liaison Jamie Rodriguez was prepared to provide an update by phone if the Commissioners wanted one. He stated the final deadline for bills had occurred and the session was almost complete.

A copy of the legislative report was provided to the Clerk for the record.

There was no public comment on this item.

19-0426 **AGENDA ITEM 26** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

County Manager John Slaughter stated there was no need for a closed session.

19-0427 **AGENDA ITEM 27** Public Comment.

Chief Deputy County Clerk, Jan Galassini placed an email correspondence from Annemarie Grant on the record.

19-0428 **AGENDA ITEM 28** Announcements/Reports.

Commissioner Jung asked staff to review the best practices within the Master Plan for cell towers due to the claim that 5G service would make current cell towers obsolete. She was interested in alternatives to the fake tree-looking towers and wondered whether something more artsy could be installed. She did not know if 5G technology would make this a moot point.

Commissioner Jung wanted information about the area covered for Keep Truckee Meadows Beautiful and wondered whether it reached to the east shore of Lake Tahoe.

Commissioner Berkbigler stated she had been in Incline Village for a Citizen Advisory Board (CAB) public forum and received unfavorable feedback from individuals who claimed they were told they could not issue an opinion at a training event they attended. She was fairly sure that was not what was said but she thought the County needed to do some additional training with Incline Village CAB members.

Commissioner Lucey failed to comment about Agenda Items 5F9 and 5F10 and wanted to thank Larry Chesney and Sarah Chvilicek for their service and congratulate them on their appointments. He stated it was a thankless job which required much time and effort.

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2:41 p.m. There being no further business to discuss, the meeting was adjourned without objection.

VAUGHN HARTUNG, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

Minutes Prepared by:
Doni Gassaway, Deputy County Clerk