

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

TUESDAY

10:00 A.M.

APRIL 28, 2020

PRESENT:

**Bob Lucey, Chair**

**Marsha Berkbigler, Vice Chair (via Zoom)**

**Kitty Jung, Commissioner (via telephone)**

**Vaughn Hartung, Commissioner (via Zoom)**

**Jeanne Herman, Commissioner**

**Nancy Parent, County Clerk**

**Eric Brown, County Manager**

**David Watts-Vial, Assistant District Attorney (via telephone)**

The Washoe County Board of Commissioners convened at 10:51 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:

**20-0242      AGENDA ITEM 3 Public Comment.**

County Clerk Nancy Parent read an email from Ms. Carole Black, which stated Washoe County had released zip codes for specific COVID-19 (C19) case rates. Since Nevada and Washoe County had limited testing, she thought reported cases likely underestimated the actual presence of the virus in the community. Though the number of cases was not huge, the high case rate was concerning due to the small population and limited resource capacity in Incline Village. She indicated Incline Village had a higher case rate than the rest of Nevada or the State of California, and all but 14 states and Washington D.C. She spoke about the Governor's orders for stay at home and social distancing. She noted there had not been any rulings related to short-term rentals. She expressed concern about visitors in the area not quarantining and gathering in crowds in outdoor settings such as the East Lake Tahoe Trail. She said the community appreciated the acute care provided but thought more was needed to prevent the virus from spreading. A graph of the information and Ms. Black's email were placed on record.

A voicemail from Ms. Alisha Rubio was played in Chambers. She wondered about the steps being taken for inmates' safety considering a deputy from the detention facility tested positive for C19. She expressed concern that inmates were not notified of the positive diagnosis and court dates were delayed because of the virus.

A voicemail from Mr. Daniel Purdy was played. He stated he was the brother of Thomas Purdy, who was murdered by deputies at the Washoe County Jail on October 4, 2015. He said his brother's life mattered, as did the inmates at the jail. He

indicated it was recently reported that a deputy from the detention facility tested positive for C19. He wanted an agenda item specifically to provide an update on the measures being taken to protect inmates from C19. He noted the facility was mandated by Nevada Revised Statutes to protect the inmates, opining that deputies were not doing their jobs when men were smothered to death. He asked deputies to protect inmates.

A voicemail from Ms. Annemarie Grant was played in Chambers. She stated she was the sister of Thomas Purdy, who was hogtied by Reno police officers then smothered to death by deputies. She noted the Sheriff announced a deputy at the detention facility tested positive for C19; she thought deputies should be on high alert to protect inmates from this infectious virus. She wondered whether inmates were notified about the positive case. She noted it had been one year since Joshua Dominguez was killed while in the custody of the Sparks Police Department. She questioned why the names of police officers who discharged their firearms at community members were not released to the public. She did not want more families to have to bury their loved ones. She asked for an investigation at the detention facility.

Via the Zoom app, Mr. Cliff Low praised the Board and various County staff members for enabling and expanding public comment during these challenging times. He pointed out the agenda contained a number of public hearings which would only be heard at or after a noted time, but he could not find any times on the agenda for these public hearings. He thought the question of whether the hearings could proceed without a published time could be asked of Assistant District Attorney David Watts-Vial. Mr. Low referenced an article in the *Reno Gazette-Journal* about the collapse of a Truckee Meadows Water Authority (TMWA) flume even though TMWA asserted the flumes were inspected every other week. He hoped this matter would get a thorough public investigation. He also encouraged the Board to inquire what steps NV Energy was taking in terms of preparing their equipment to prevent a catastrophe in northern Nevada like the one that happened in northern California.

**20-0243**      **AGENDA ITEM 4** Announcements/Reports.

Commissioner Herman stated she received a bill from the Nevada Association of Counties which she would forward to the County Manager's Office for payment. She indicated she was still searching for property for people to shoot safely and she located an area on Bureau of Land Management land near Red Rock Road. She noted she provided a map of the property at the Board of Fire Commissioners' meeting. The property was in an open area with a quarry and minimal vegetation. She mentioned NV Energy had been working to clear areas around services and transmission sites for years. She said she was waiting for information about using the money from marijuana sales for cleanup in Sun Valley. She thought residents had been patient but were getting tired of waiting. Many calls were received from citizens in the north valleys about Waste Management (WM) neglecting to pick up extra garbage bags due to C19. She brought up that people were homebound and creating more garbage, and she thought WM should make more of an effort.

Commissioner Jung asked County Clerk Nancy Parent to forward the voicemails heard during public comment to the Sheriff because that was his area of concern. She requested an update related to the handling of infectious diseases at the detention facility. She recognized the Sheriff was working to reduce the jail population, but she thought he should be aware of the voicemails. She wanted the appropriate agency to conduct a presentation which clarified the definition of congested and uncongested areas, who was responsible for those designations, and how often were the designations were updated. She also requested a staff presentation, not a map or an email, of all vacant properties in Washoe County owned by the County. She wondered when the US Weather Service's presentation about projections for the upcoming season would be heard. She indicated marijuana taxes had not been deeply discussed and she wanted a staff update about marijuana tax collections for every related business, specifically where the money was going and what policy had been directed. She agreed with Commissioner Herman that those funds would do a lot of good in Sun Valley, especially on Quartz Lane and other areas with abandoned cars. She stated WM needed to make a presentation. She conceded WM suspended curbside pickup of overflow garbage as a way of protecting their workers, but she believed rate increases were not right given the reduction in performance.

Commissioner Hartung stated he had been working on an incremental plan to reopen businesses in Washoe County. He wanted to have an item on the next agenda to review the plan with the goal being to give it to the Governor to potentially apply the same methodologies already in practice for essential businesses to non-essential businesses. He thought there was some direct correlation with the practices. He stated the County Manager had a copy of the plan and Assistant County Managers Dave Solaro and Kate Thomas had reviewed it.

Chair Lucey noted the discussed items would be placed on an upcoming agenda. He stated he received calls about the County moving through this pandemic in the best way to flatten the curve and address the needs of the massive outbreak. He thanked the Health District, the Incident Commanders, and the County Manager's Office for addressing the growing pandemic. He agreed with the Commissioners that discussions about identifying needs and reopening the community needed to occur. He wanted to know the process for rapid based testing in the region and thought guidelines needed to provide a platform for businesses to reopen. He admitted it would be challenging for some businesses to reopen after 47 days without support from the County. He asserted the upcoming times would be challenging and could be difficult to get consumers' confidence back. He thought it was everyone's responsibility to open safely with a new reality after the C19 pandemic. He asked the County Manager to identify processes to ease some of the guidelines and ordinances that would allow for businesses to recover. He wanted to work with the Cities of Reno and Sparks to be cohesive in the message to the community. He stated he had been in contact with the Sheriff, who was diligently working to maintain the vulnerable population of inmates within his care as well as his staff. He agreed a presentation from Sheriff's Office staff would be beneficial.

County Manager Eric Brown stated the next C19 town hall meeting was scheduled for Friday, May 1 at 1:00 p.m. on the City of Reno's Facebook page and on

KOLO TV. This town hall would highlight the Latino community with various members from healthcare, public safety, and the City of Reno discussing the steps to be taken regarding the C19 crisis. He said he directed a letter to WM a few weeks ago requesting them to reconsider the impending rate increase, but no response had been received. He indicated the agenda was full so there would be no Health Officer update during this meeting, but the County would focus on getting testing levels increased. A session was planned with various members of the healthcare and logistical communities to determine the process to increase testing. He hoped an update would be possible at the next meeting. He indicated he would invite WM to present to the Board. He stated his staff would reach out to all Commissioners individually regarding policy changes to citizen advisory boards. He mentioned he was working with the District Attorney's Office to publish an updated public records request policy.

Commissioner Hartung stated his previous request would exceed the two-hour rule, but he hoped the County Manager would have the authority to delegate the resources in order to produce the matrix necessary for the Board to make choices and requests for the plan.

**20-0244**      **AGENDA ITEM 5** Appearance and presentation by Deanna Spikula, Registrar for Washoe County and Wayne Thorley, Deputy Secretary of State for Election, State of Nevada to cover 2020 election update, including the all mail in primary and implementation of same day registration.

Registrar of Voters (ROV) Deanna Spikula conducted a PowerPoint presentation via the Zoom app, a copy of which was placed on file with the Clerk, and reviewed slides with the following titles: 2020 Election Preparations; New; 2020 Primary Election; Same Day Registration (AB345); Fraud Protections for Same Day Registration; Cybersecurity Update; and Questions.

Ms. Spikula explained the form to submit a complaint was on the ROV website or it could be sent to an individual or completed in person. She noted staff would track any complaints using QScend software.

Ms. Spikula highlighted the updated application for the upcoming election, which would include a reporting tool for mapping precinct results. She noted unofficial results would be posted to the website on election night after all polls had closed and would continue until the election was canvassed by the Board of County Commissioners. A change was made to election night reporting, she said, which was passed by Assembly Bill (AB) 345; absentee and mail ballots would be counted if postmarked by election day and received within seven days of the election. Provisional ballots would only be cast after verification by the ROV's office and the State. She mentioned close races could be impacted and unofficial results would not be released until all eligible ballots were accounted for. She thanked Technology Services for the development of wait time applications and the enhanced election result tools.

Ms. Spikula stated poll worker retention was a concern for the ROV, but they were able to increase poll workers' compensation with Commissioner Jung's help. A poll worker committee was established and met monthly to discuss ways to improve polling places and processes.

Via the Zoom app, Deputy Secretary of State for Elections Wayne Thorley said he appreciated the invitation to present to the Board. He stated having security processes in place was important for in-person voting as well as absentee voting. He noted testing and auditing processes for the voting and tabulation equipment remained the same, and logistical and accuracy testing to ensure functionality would occur prior to the election. He commented normal post-election audits would be conducted to verify the accuracy of the election results. He said Ms. Spikula reviewed many of the security measures taken to ensure no individual registered to vote in more than one area and that each cast only one ballot. To ensure accuracy, the same security processes applied to same-day registration. He indicated provisional ballots were important and would not be counted until the multi-cast ballot report had been run to verify that no duplicate votes took place. Voters who cast more than one ballot would be reported to law enforcement as necessary. He said election security was the top priority of the Secretary of State's Office since the nation's election infrastructure was designated as critical infrastructure in January 2017. They had been working with counties to implement several security enhancements to voting equipment and other non-voting technology. Congress provided grant money for the Help America Vote Act, which was used to implement some of the programs.

Ms. Spikula said they were working hard to get the election ready. She stated they had great support from the Secretary of State's Office. At this point, the audio feed encountered issues and Ms. Spikula was not audible.

Commissioner Herman indicated this was a big responsibility every election year, and she did not know how they got everything done. She had received calls from people expressing concerns and she wondered about ballots being sent to deceased persons in the County. Every year, people wrote on the ballot that the person was deceased and the postmaster sent the ballot back to the ROV. She questioned the process to keep voter information correct and up to date. Ms. Spikula said they relied on information from the Social Security Administration, the post office, and the Secretary of State's Office. Her comments became inaudible due to technical difficulties and Chair Lucey asked Ms. Spikula to follow up with Commissioner Herman offline.

Commissioner Jung stated she missed the information about the process for same-day registration. Mr. Thorley restated the processes as explained earlier in the PowerPoint presentation.

Chair Lucey asked Ms. Spikula to follow up with the Commissioners Herman and Jung regarding their concerns.

Commissioner Jung said she understood polling places were open on Election Day because of AB345. If that was correct, she did not need a response from the ROV.

Chair Lucey thanked Ms. Spikula and Mr. Thorley for the presentation.

On the call for public comment, Ms. Mary O'Donnell was called to speak, but it was determined she was not on the correct call.

#### **CONSENT AGENDA ITEMS – 6A THROUGH 6G4**

- 20-0245**      **6A** Approval of minutes for the Board of County Commissioners' special meeting of March 31, 2020. Clerk. (All Commission Districts.)
- 20-0246**      **6B1** Recommendation to approve a Water Rights Deed to re-convey 5.00 acre-feet of water rights from Washoe County to James T. Richardson and Cynthia M. Richardson, Trustees of The Richardson 1998 Family Trust Agreement, dated September 3, 1998. Community Services. (Commission District 5.)
- 20-0247**      **6B2** Recommendation to approve: 1) a Lease Agreement between ECOL Partnership and Washoe County for a thirty-six month term, commencing May 1, 2020 through April 30, 2023, for occupancy at 250 S. Rock Blvd. #100 in the amount of [\$75,693.60 annually, plus \$2,365.43 monthly for common area maintenance]; and 2) a Lease Agreement between ECOL Partnership and Washoe County for a twelve month term, commencing May 1, 2020 through April 30, 2021, for occupancy at 250 S. Rock Blvd #126 in the amount of [\$15,840 annually, plus \$540 monthly for common area maintenance] for the Registrar of Voters' voting machines and equipment management. Community Services. (All Commission Districts.)
- 20-0248**      **6C** Recommendation to approve budget amendments totaling an increase of [\$81,739.00] in both revenue and expense to the FY20 Marijuana/Vaping Surveillance Grant retroactive to April 1, 2020 through June 30, 2021 and if approved, direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts.)
- 20-0249**      **6D** Recommendation to approve the 2019 Justice Assistance Grant (JAG) Program Award (2019-DJ-BX-0830), Office of Justice Programs, Bureau of Justice Assistance through the City of Reno, Reno Police Department [\$63,630.00, no County match required] for purchase of Law Enforcement equipment, Law Enforcement related training and travel, and overtime for the retroactive grant term of October 1, 2018 - September 30, 2022 and if approved, direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

- 20-0250**      **6E1** Recommendation to (1) approve authorization to travel and travel reimbursements for two non-County employees (community partners) in the approximate amount of [\$3,700], to attend the National Criminal Justice Training Center’s Multidisciplinary Team Response to Child Sex Trafficking training using grant funds provided by the Children’s Justice Act (CJA); (2) retroactively approve food purchases, and future food purchases by approving FY20 budget adjustments moving [\$6,081.10] into the food purchases item budget in Fund 228 - CPS (net impact to CPS Fund is zero); moving [\$3,000] into the food purchases line item budget in Fund 221 - Indigent Assistance (net impact to Indigent Assistance Fund is zero), and moving [\$500] into the food purchases line item budget in Fund 225 – Senior Services (net impact to Senior Services Fund is zero); and direct the Comptroller’s Office to make the necessary budget adjustments. Human Services Agency. (All Commission Districts.)
- 20-0251**      **6E2** Recommendation to accept the FY20 Senior Mental Health subaward from the State of Nevada Division of Public and Behavioral Health (DPBH) to provide mental health support for seniors in the amount of [\$75,000; no county match] retroactive from October 1, 2019 through September 30, 2020; authorize the Director of the Human Services Agency to retroactively execute the grant documents; and direct the Comptroller’s Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 20-0252**      **6E3** Recommendation to approve Third Amendment to the Child Welfare Collaborative Agreement with Casey Family Programs, in the amount of [\$65,000; no County match] retroactive from January 1, 2020 through December 31, 2020 to facilitate family reunification and permanency for children and reduce foster care reentries; authorize the Director of Human Services Agency to retroactively execute Agreement documents; and direct the Comptroller’s Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 20-0253**      **6F** Recommendation to approve the change of the Senior Financial Analyst (position number 70006603) from part-time to full-time (40 hour/1 FTE) effective May 1, 2020; and authorize Human Resources to make the necessary changes. No fiscal impact to Washoe County. Increase cost to TRFMA of approximately \$24,380. (All Commission Districts.)
- 20-0254**      **6G1** Recommendation to approve the letter of intent submitted in lieu of an Interlocal Agreement between the County of Washoe and the Office of the Nevada Secretary of State for the reimbursement, from Federal Help America Vote Act (HAVA) funds received by the Secretary of State, for the cost of equipment and related services for the ISO (Isolated and Dedicated) and the MFA (Multifactor Authentication) projects in the amount of [\$58,047.83] (not to exceed \$60,000.00). No match required. The award

period is retroactive from February 27, 2020 through August 1, 2020. If approved, direct the Comptroller's Office to make the necessary budget amendments. (All Commission Districts.)

**20-0255**      **6G2** Accept Registrar of Voters' report of the Early Voting location and schedule for the 2020 Primary Election per NRS 293.3561 (2b). (All Commission Districts.)

**20-0256**      **6G3** Approve Interlocal Agreement between the County of Washoe and the City of Sparks for election services provided by Washoe County for the 2020 primary and general elections (approximate reimbursement received by the County will vary according to number of registered voters, candidate races and questions placed on the ballot by City of Sparks). (All Commission Districts.)

**20-0257**      **6G4** Approve Interlocal Agreement between the County of Washoe and the City of Reno for election services provided by Washoe County for the 2020 primary and general elections (approximate reimbursement received by the County will vary according to number of registered voters, candidate races and questions placed on the ballot by City of Reno). (All Commission Districts.)

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

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 6A through 6G4 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A through 6G4 are attached hereto and made a part of the minutes thereof.

### **BLOCK VOTE – 7 THROUGH 12**

**20-0258**      **AGENDA ITEM 7** Recommendation to approve a contract extension to the Agreement for Full Service Operation and Maintenance of Washoe County Sewer Facilities with SPB Utility Services, Inc., retroactively to January 1, 2020 through the end of calendar year 2024, [estimated monthly operation cost of \$112,788 for calendar year 2020; and an estimated annual budget of \$500,000 for Major and Minor Maintenance for calendar year 2020], costs subject to the annual CPI increases. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Chair Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 7 be approved.

**20-0259**      **AGENDA ITEM 8** Recommendation to approve a request to initiate proceedings to amend the Washoe County Code (Chapter 70 - Vehicles and Traffic) pursuant to a request by Commissioners to allow for additional personnel classifications that can issue parking citations; 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. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Chair Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 8 be approved and directed.

**20-0260**      **AGENDA ITEM 9** Recommendation to approve the FY20 Community Case Managers grant from the State of Nevada Division of Public and Behavioral Health (DPBH) to assist clients with a serious mental illness moving from chronic homelessness into transitional and permanent housing in the amount of [\$240,000; no county match] retroactively from October 1, 2019 through September 30, 2020; authorize the Director of Human Services to execute the grant; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Chair Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 9 be approved, authorized, and directed.

**20-0261**      **AGENDA ITEM 10** Recommendation to accept a sub-grant award from the State of Nevada, Division of Child and Family Services (DCFS) in the amount of [\$171,055; no county match] retroactive from October 1, 2019 through September 30, 2020, to support foster care and adoption recruitment and training efforts. Authorize the Director of Human Services Agency to retroactively execute the sub-grant award and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Chair Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 10 be accepted, authorized, and directed.

**20-0262**      **AGENDA ITEM 11** Recommendation to accept a partial FY20 Victims of Crime Act (VOCA) sub-grant award from the State of Nevada, Division of Child and Family Services in the amount of [\$557,903; \$139,476 County match] retroactive for the period of July 1, 2019 to June 30, 2020; authorize the Director of the Human Services Agency to retroactively execute the sub-grant award and related documents; direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Chair Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 11 be accepted, authorized, and directed.

**20-0263**      **AGENDA ITEM 12** Recommendation to approve the award for the FY20 Nutrition Services Incentive Program (NSIP) grant from the State Aging and Disability Services Division (ADSD) to support food costs for senior congregate and home delivered meals in the amount of [\$248,240; no county match] retroactive from October 1, 2019 through September 30, 2020, authorize the Director of Human Services Agency to retroactively execute the grant documents, and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Chair Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 12 be approved, authorized, and directed.

**20-0264**

**AGENDA ITEM 13** Determination whether a material breach of the contract between Washoe County and VOTEC Corporation for the purchase of hardware and software for the WelcomeVoter Kiosk has occurred. If so, possible termination of the contract, on the recommendation of the Registrar of Voters and Washoe County Technology Services. Determination of a material breach of contract by VOTEC will include but not be limited to whether VOTEC adequately provided a system of software and voter kiosks that allow for same-day voter registration and communication within the system and amongst the kiosks so that voters can only register and vote once, as well as a means of properly testing the system prior to an actual election. This contract was meant to serve as the county's means of accommodating same-day voter registration and other requirements set forth in AB 345 of the 2019 legislative session. The funding for the contract was provided by the state in the amount of \$445,850. (All Commission Districts.)

Via the Zoom app, Chief Executive Officer of VOTEC John Metcalf stated they developed their system in conjunction with most of the region and the Secretary of State's Office. He believed there was an impetus for commonality among the counties for their voter registration and electronic poll votes, which were often considered a direct extension of voter registration, especially since AB345. He stated VOTEC was going in the right direction for Washoe County in the long term and one person in each voting location would be connected to the current voter registration system. He opined they were not in breach of contract because the specifics listed in the termination letter were not referenced in the VOTEC/County contract or the 3-party contract that predated it. He thought there was not a valid cause for termination of the contract, and it would be a poor framework for the County to proceed with termination. He wanted to open the discussion and review the agenda items, hoping the County was not in a rush to terminate the contract. He believed VOTEC was the preferred type of voter check-in because it honored so many aspects of voter participation in the process that no other poll did. He indicated other counties saw merit in their system, but he could understand any stress that caused the Registrar of Voters (ROV) to favor an in-house solution. He commended ROV Deanna Spikula for having a handle on all aspects of the upcoming election. He asked whether this could be investigated rather than a quick decision to terminate the contract.

Via the Zoom app, Ms. Spikula stated it was important to understand they had outlined deadlines and needed the completed software package prior to April 1. She emphasized the issues training poll worker without a software package, adding it was also important to have printed materials for poll workers. She indicated they were unable to test and integrate the program with the voter database, print materials, or ensure reporting and requirements were in place to go live with their system. She believed the risk was too high for the County to continue with this product considering they would be using a poll book during the primary election and had no confidence the WelcomeVoter Kiosk would be able to handle the early voting and election day functionalities they would need to ensure the integrity of election. She said they needed to ensure people could not cross-vote or vote at more than one location. Restrictions related to COVID-19 did not negate the fact they

needed this product to be in place and functioning by April 1. She said they needed to provide voters the best system available and they had an in-house product that was fully functional and running that also worked accurately with same-day registration. Technology Services agreed with her that the timing of VOTEC's software package did not allow time for implementation for the primary election.

Chair Lucey said he read the item in detail and had conversations with the ROV. It was important to maintain the integrity of the upcoming elections and he did not know why they would continue to operate with the company.

Commissioner Hartung stated the Board put Ms. Spikula in charge of the elections as the ROV, and he thought it was her job to review the equipment and processes, providing good guidelines for a good fair election. He believed the Board should follow her recommendation. Vice Chair Berkbigler thought the information Ms. Spikula presented was fair and equitable for everyone.

On the call for public comment, Mr. Dan Veres was called to speak, but was not present via the Zoom app.

County Clerk Nancy Parent stated she received documents from the Manager's Office, which included email conversations between VOTEC and the ROV, as well as an affidavit of service. She indicated the documents would be placed on the record.

Assistant District Attorney David Watts-Vial encouraged the Board to offer Mr. Metcalf the opportunity to respond to Ms. Spikula's presentation.

Mr. Metcalf referenced a statement made in a letter, alleging that check-in stations were unable to synchronize. He said his programming staff went to the Amazon website set up for Washoe County to test and found the check-in stations were working. He thought there was a misunderstanding by the County's Information Technology (IT) staff. Responding to the criticism that same-day registrations were not coordinated with voter registration ID numbers, he said his programmers showed that was not the case. He opined the ROV was in a rush to replace VOTEC by comparing two solutions and giving VOTEC less effort. He said it would not benefit Washoe County in the long term and he requested a more in-depth conversation related to the service.

Commissioner Hartung moved to approve Agenda Item 13 as outlined in the staff report. Mr. Watts-Vial pointed out the item was a determination of whether a material breach of contract occurred, and the motion would be to terminate the contract for a breach of agreement and staff be directed to provide written notice of that termination to VOTEC.

On motion by Commissioner Hartung, seconded by Vice Chair Berkbigler, which motion duly carried on a 5-0 vote, it was ordered to terminate the contract for a breach of contract and allow staff to provide a letter of termination to VOTEC.

## **PUBLIC HEARINGS**

Chair Lucey said a comment had been made regarding the language on the agenda about public hearings, and he explained they were not time specific and could be heard any time after 10:00 a.m.

**20-0265**      **AGENDA ITEM 14** Discussion and possible introduction and first reading of an ordinance amending the Washoe County Code by repealing chapter 60 in its entirety, and by enacting a new chapter 60 concerning fire, buildings, and wildlands, containing provisions of the 2018 international fire and wildland- urban interface codes, with modifications, and violations, and providing other matters necessarily connected therewith and pertaining thereto. And, if supported, introduced and read, schedule a public hearing and second reading for 10:00 am on May 12, 2020, to provide for possible adoption of the Ordinance to become effective June 1, 2020. (All Commission Districts.)

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

Nancy Parent, County Clerk, read the title for Bill No. 1838.

Bill No. 1838 was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

**20-0266**      **AGENDA ITEM 15** Public Hearing: Second reading and adoption of an ordinance amending the Washoe County Code at Chapter 110 (Development Code), by adding new language in Section 110.324.50(e), Monopole Antenna, and Section 110.324.50(f), Lattice Towers, to establish placement standards regulating emergency communication facilities which are owned and operated by governmental agencies. These amendments include the removal of a special use permit requirement for government entities for certain monopoles or lattice towers operated for purposes of emergency communication systems; and other matters necessarily connected therewith and pertaining thereto. Community Services. (All Commission Districts.)

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

Nancy Parent, County Clerk, read the title for Ordinance No. 1648, Bill No. 1834.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Ordinance No. 1648, Bill No. 1834, be adopted, approved, and published in accordance with NRS 244.100.

20-0267

**AGENDA ITEM 16** Public Hearing: Second reading and possible adoption of an ordinance approving an “Amended and Restated Development Agreement (Sierra Reflections)” originally approved in 2008 (DA08-003) regarding Sierra Reflections Subdivision (approved in 2006 as Tentative Map TM06-001) for World Properties, Inc. The project is a 938-lot, single-family residential, common open space subdivision as authorized in Article 408 of the Washoe County Development Code. This agreement extends the deadline for filing the next in a series of final maps from June 14, 2020 to June 14, 2022;

And

To approve an amendment to conditions of approval for Tentative Subdivision Map Case Number TM06-001 (Sierra Reflections) to update and remove outdated language including the following: 1. Remove Department of Water Resources conditions; Truckee Meadows Water Authority (TMWA) is now the water provider; 2. Remove Vector Control conditions; Washoe County District Health has updated conditions and added conditions for water and grading requirements; 3. Amend Fire Safety provisions with current fire code requirements; and 4. Remove two conditions and updated the other condition for the Regional Transportation Commission (RTC). The project is bordered on the north by Pagni Lane, on the east by old US Highway 395, on the south and as far south as Little Washoe Lake in the Pleasant Valley area. The project encompasses a total of 29 parcels that total approximately 759.6 acres. The parcels are located within the South Valleys Area Plan. The property is located within the South Truckee Meadows/Washoe Valley Citizen Advisory Board boundaries and within Washoe County Commission District No. 2. (APNs 046-060-45 and 47; 046-080-40; 046-090-01, 04 through 18, and 23 through 26; and 046-100-02 through 04, 07, 09 and 10). Community Services. (Commission District 2.)

County Manager Eric Brown introduced the item.

Nancy Parent, County Clerk, read the title for Ordinance No. 1649, Bill No. 1836.

Assistant District Attorney David Watts-Vial stated the past practice of this Board was to have a second reading and read the title in its entirety, but his office reviewed the Nevada Revised Statutes and there was no requirement for a second reading. However, a public hearing was required. He stated the title could be read in full if any Commissioner had an issue with this new process.

On the call for public comment and via the Zoom app, Mr. Cliff Lowe said this development would result in the largest, most dense area of residences south of Mt. Rose Highway, increasing the number of residents and people who required services. He pointed out the project had been extended many times in the past. In light of the consolidation of the Washoe Valley fire stations, he cited observations by the

Commissioners that people who did not want development should not expect to have a certain level of emergency services in the area. Allowing this developer an additional two years, Mr. Low opined, would provide the developer time to increase the population that was currently served by two fire stations in Washoe Valley.

On motion by Chair Lucey, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered that Ordinance No. 1649, Bill No. 1836, be adopted, approved, and published in accordance with NRS 244.100.

**20-0268**      **AGENDA ITEM 17**    Public Hearing: Master Plan Amendment Case Number WMPA19-0009 (Reno-Stead Corridor Joint Plan) to remove all references of the Reno-Stead Corridor Joint Plan (RSCJP) from the North Valleys Area Plan and to sunset the RSCJP, changing all existing RSCJP master plan land use designations on four hundred and sixteen (416) parcels of land, totaling approximately 734.85 acres, from RSCJP designated Medium Density Suburban/Suburban Residential (MDS/SR) & Low Density Suburban/Rural Residential (LDS/RR) to Washoe County master plan category of Suburban Residential (SR); from RSCJP designated High Density Rural (HDR) to Washoe County master plan category of Rural Residential (RR); from RSCJP designated General Rural (GR) to Washoe County master plan category of Rural (R); from RSCJP designated General Commercial (GC) to Washoe County master plan category of Commercial (C); and from RSCJP designated Public & Semi-Public Facilities (PSP) and RSCJP designated Parks and Recreation (PR) to Washoe County master plan category of Open Space (OS). If adopted, the master plan amendment will take effect after a determination of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission.

AND

Regulatory Zone Amendment Case Number WRZA19-0009 (Reno-Stead Corridor Joint Plan) to adopt, subject to final approval of the associated master plan amendment and a favorable conformance review by the regional planning authorities, an amendment to the North Valleys Regulatory Zone Map, a component of the North Valleys Area Plan, to change the regulatory zone on all existing RSCJP land use designations on four hundred and sixteen (416) parcels of land, totaling approximately 734.85 acres, from RSCJP designated Medium Density Suburban/Suburban Residential (MDS/SR) to Washoe County regulatory zone of Medium Density Suburban (MDS-3 dwelling units/acre); from RSCJP designated Low Density Suburban/Rural Residential (LDS/RR) to Washoe County regulatory zone of Low Density Suburban (LDS- 1 dwelling unit/acre); from RSCJP designated High Density Rural (HDR) to Washoe County regulatory zone of High Density Rural (HDR-1 dwelling unit/2 acres); from RSCJP designated General Rural (GR) to Washoe County regulatory zone of General Rural (GR-1 dwelling unit/40 acres); from RSCJP designated General Commercial (GC) to Washoe County regulatory zone of General

Commercial (GC); from RSCJP designated Public and Semi-Public Facilities (PSP) to Washoe County regulatory zone of Public and Semi-Public Facilities (PSP); and from RSCJP designated Parks and Recreation (PR) to Washoe County regulatory zone of Parks and Recreation (PR). This is a request from Washoe County. The Reno-Stead Corridor Joint Plan (RSCJP) is located in various areas along portions of US-395, North Virginia Street, Red Rock Road, Lemmon Drive, & Seneca Drive (Horizon Hills). The area is located within the North Valleys Citizen Advisory Board boundaries and within Washoe County Commission District No. 5.

AND

If approved, authorize the Chair to sign the resolutions to that effect. This item is being brought forward to conform the applicable property designations to the recently adopted 2019 Truckee Meadows Regional Plan, which eliminated the RSCJP from the plan. Community Services (Commission District 5.)

County Manager Eric Brown introduced the item.

On the call for public comment, County Clerk Nancy Parent read an email from Ms. Monique Herbst. In it, Ms. Herbst spoke about a possible designation change to the Stead Corridor Joint Plan in the Washoe County Master Plan. She expressed disappointment about the City of Reno not listening to her concerns and she thought not enough studies had been conducted related to fires, floods, and other natural disasters in the area. She opined the proposed warehouses in Horizon Hills would negatively impact the residents and wildlife in the area. She asked the Commissioners to postpone their decision, go to the water tank in Horizon Hills, and look down at the small community. She expressed concern about the danger of having only one way in and one way out.

Via the Zoom app, Mr. Ed Lambdin stated he was not sure how this would affect his property. He wondered whether the proposal was related to the Red Rock Commercial Center, which was directly connected to his property. He requested an answer from staff. Assistant District Attorney David Watts-Vial stated a response could be made to the public commenter if the question was on topic because this was a public hearing. Assistant County Manager Dave Solaro stated this proposal had no connection to the property Mr. Lambdin referenced.

Commissioner Hartung wondered whether this item was a housekeeping matter to clean up language. Mr. Solaro indicated the adoption of the Truckee Meadows Regional Plan update did not include the Reno/Stead Corridor Joint Plan Area, so staff was removing that plan from the North Valleys Master Plan.

On motion by Commissioner Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 17 be approved.

**20-0269**

**AGENDA ITEM 18** Public Hearing: To approve and authorize the chair to sign a resolution initiating an amendment to the Truckee Meadows Regional Plan-Map 3, Regional Utility Corridors & Sites-in order to establish a new connection line from the generation point at APN 074-040-61 to the NV Energy line at APN 074-040-060 for Fish Springs Ranch, LLC. The line will connect the new 300-megawatt Fish Springs Solar energy generation facility/farm to the NV Energy power grid. The solar energy farm will operate on 2,191 noncontiguous acres in the vicinity of southeastern Honey Lake Valley approximately 45 miles north of Reno, at APNs 074-040-15, 23, 24, 56, 57, 58, 61; 074-420-07, 11, 14, 15, 16; 074-070-16, 28, 72, 73, 74, which has already been approved as a special use permit WSUP20-0001 by the County Planning Commission and is awaiting review and approval/conformance by the regional planning authorities as a project of regional significance. If approved, this separate but related resolution initiating an amendment to the regional utility corridor map for the solar farm's connection line will also be subject to approval by the regional planning authorities. Community Services. (Commission District 5.)

County Manager Eric Brown introduced the item.

Commissioner Hartung said the Board's approval of the Dodge Flats Solar Project resulted in a reduction of approximately 510,000 tons of carbon dioxide emissions. He stated this was a larger project which would remove more tons of emissions and create many jobs. He was supportive of this project moving forward.

There was no response to the call for public comment.

On motion by Commissioner Herman, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 18 be approved.

**20-0270**

**AGENDA ITEM 19** Public Hearing: Master Plan Amendment Case Number WMPA19-0008 and Regulatory Zone Amendment Case Number WRZA19-0008 (Sparks SOI Rollback) - The Washoe County Commission will affirm, reverse, or modify the decisions of the Planning Commission that recommended the approval of the following items:

1. Subject to a finding of conformance with the regional plan by the regional planning authorities to approve a Master Plan Amendment WMPA19-0008 (Sparks SOI Rollback) on behalf of Washoe County assigning Washoe County master plan land use designation on 1,180 parcels that have been removed from the City of Sparks' Sphere of Influence and returned to Washoe County's jurisdiction, changing all City of Sparks Land Use (LU) designations to the equivalent Washoe County master plan category (MPC) as follows in accordance with the Regional Plan:

a. Sparks LU Large Lot Residential to Washoe County Master Plan Category (MPC) Rural Residential.

b. Sparks LU Large Lot Residential, Low Density Residential, and Intermediate Density Residential to Washoe County MPC Suburban Residential.

c. Sparks LU Multi-family Residential to Washoe County MPC Urban Residential.

d. Sparks LU Community Facilities to Washoe County MPC Open Space.

e. Sparks LU Commercial to Washoe County MPC Commercial.

If adopted, the master plan amendment will take effect after a determination of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission.

AND

2. Subject to final approval of the associated master plan change, to approve Regulatory Zone Amendment WRZA19-0008 (Sparks SOI Rollback) on behalf of Washoe County for the purpose of assigning Washoe County regulatory zones on 1,180 parcels that have been removed from the City of Sparks' Sphere of Influence (SOI) and returned to Washoe County's jurisdiction. The subject properties will be assigned the most appropriate regulatory zone within its proposed master plan category based on its current land use and lot size. The existing regulatory zones are as follows:

- a. Third Rural Conservation Agricultural District (A7),
- b. First Rural Conservation District (A5),
- c. Second Agricultural District (A2),
- d. First Agricultural District (A1),
- e. Second Estates District (E2),
- f. First Estates District (E1),
- g. General Commercial Non Residential District (C2),
- h. General Rural (GR),
- i. Medium Density Suburban (MDS),
- j. High Density Suburban (HDS),
- k. Low Density Urban (LDU).

The proposed regulatory zones are as follows:

- a. Low Density Suburban/2 (LDS/2),
- b. Medium Density Suburban/4, (MDS/4),
- c. High Density Suburban (HDS),
- d. Low Density Urban (LDU),
- e. General Commercial (GC),
- f. Public and Semi-Public Facilities (PSP),
- g. Parks and Recreation (PR).

AND

3. If approved, authorize the Chair to sign the resolutions to that effect. The areas affected are generally: All parcels accessed via Ponderosa Drive.

Generally, the parcels bound by Sullivan Lane to the east, Wedekind Road to the south, Charolaise Circle to the west, and Isle of Skye Drive to the north.

Generally, parcels accessed by Anthony Place, Weems Way, and via Moorpark Court from the north.

Generally, parcels bound by Wildcreek Golf Course to the west; Federal land to the north; Orr Ditch, Skyridge Lane North McCarran Blvd., and Wedekind Road to the south and east.

All parcels within the Sunset View Rancho Estates 2 subdivision at the terminus of East Prater Way.

Generally, the parcels bound by Sparks Blvd. to the west, Shadow Lane to the south, Country Circle to the east and Satellite Drive to the north.

Generally, parcels to the west of Pyramid Highway between Los Altos Parkway and Golden View Drive that are not Federal lands.

Generally, the parcels east of Pyramid Highway bound by Los Altos Parkway to the south, Ebbet's Pass Drive and Orr Ditch to the east, and Kiley Parkway to the north.

Lazy Five Park and Jesse Hall Elementary School.

Generally, the areas accessed via Dolores Drive that are not already within Washoe County.

Generally, the parcels accessed via Baldwin Way.

Generally, parcels abutting the 2680 ft. of Eaglenest Road when accessed via La Posada Drive to the North. Community Services. (Commission Districts 3, 4, and 5.)

County Manager Eric Brown introduced the item.

Commissioner Hartung thought this was a housekeeping item stemming from the City of Sparks rolling back the sphere of influence (SOI) boundary lines in the Regional Plan.

On the call for public comment, County Clerk Nancy Parent read an email from Mr. Bob Davis and Ms. Linda Davis. In it, they indicated they were property owners impacted by the action to place them in the SOI of Sparks; they sought to be placed back in the rural residential area of the County. A copy of the email was placed on the record.

Ms. Parent read an email from Mr. Robert Peterson and Ms. Mary O'Donnell. In it, they expressed concern about property behind her home in Sparks, which was proposed to change to Washoe County zoning. They stated their well water was hard but had no bacteria or nitrates. They were afraid placing those parcels on wells would cost her and her neighbors \$20,000 to \$30,000 to put in deeper wells. They feared the ground would be contaminated if the parcels were put on septic systems, which would be a potential health risk to everyone in the area. They expressed concern that emergency response times would be compromised, and a satellite police station and a fire station might be necessary if the proposal was approved. A copy of the email was placed on record.

Ms. Parent read an email from Jessica Cisneros, Executive Director of Safe Embrace, a safe house for survivors of domestic and sexual violence. Ms. Cisneros wanted the Board to understand how imperative their services were to the community. She

expressed frustration about a small group of neighbors that did not want them to provide services in that location, and that the address of the safe house had been mentioned publicly, putting residents at risk. She explained the need for the facility and said there was a consistent waiting list of 12 to 21 individuals and their children in need of a safe house. She stated Nevada ranked fourth in the nation for female victims being murdered by male offenders. She provided additional statistics related to homicides that occurred because of domestic violence and homicides involving guns. She emphasized that Safe Embrace worked with Washoe County and the City of Sparks to ensure the change from group home to group care facility was approved. Due to the length of Ms. Cisneros' email, the rest of her comments were placed on the record.

Commissioner Jung asked for staff to address the impacts to Safe Embrace's ability to function. Assistant District Attorney David Watts-Vial thought this should be addressed by staff. Assistant County Manager Dave Solaro stated he had been following the Safe Embrace item, which the County inherited from the City of Sparks. He indicated there would be no changes to the operation of Safe Embrace with this action.

On motion by Chair Lucey, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Master Plan Amendment WMPA19-0008 (Sparks SOI Rollback) be adopted assigning Washoe County master plan land use designation on 1,180 acres that have been removed from the City of Sparks' Sphere of Influence and returned to Washoe County's jurisdiction, and, subject to approval of the associated master plan change, Regulatory Zone Amendment WRZA19-0008 (Sparks SOI Rollback) be approved for the purpose of assigning Washoe County regulatory zones on 1,180 parcels that have been removed from the City of Sparks' Sphere of Influence and returned to Washoe County's jurisdiction, and the Chair be authorized to sign the resolutions to that effect. Any and all Resolutions are attached hereto and made a part of the minutes thereof.

**20-0271**      **AGENDA ITEM 20** Public Hearing: Appeal of the Washoe County Planning Commission's denial of Regulatory Zone Amendment Case Number WRZA19-0010 (Highland Village) to amend the Sun Valley Regulatory Zone Map, a component of the Sun Valley Area Plan, to change the regulatory zone on two (2) parcels (APN: 508-020-41 & 43) totaling 54.5 acres from Low Density Suburban (LDS) (1 dwelling unit/acre maximum) and General Rural (GR) to High Density Suburban (HDS) (7 dwelling units/acre maximum) with the 3 acres that are currently GR to remain GR. The applicant is Regal Holdings of Nevada LLC for the owner Charles J. Fornaro, et al. for the two parcels, which are located on the northside of Highland Ranch Pkwy and north of Midnight Drive. And, if approved, authorize the chair to sign a resolution to this effect. Community Services (Commission District 5.)

County Manager Eric Brown introduced the item.

Chair Lucey stated this was an appeal that was denied by the Washoe County Planning Commission (PC).

Via the Zoom app, Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles: Vicinity Map; Request (2 slides); Analysis; Planning Commission; Water & Sewer Facilities; Roadways; School Facilities; Reviewing Agencies; and Possible Motion. She stated the Master Plan Land Use and Transportation Element Policy (LUT 3.3) limited residential development to five single-family homes per acre even though this proposal would change the zoning to high density, that would allow seven units per acre; units per acre could not exceed the Master Plan LUT 3.3. She indicated this was not brought up at the Planning Commission meeting.

Via the Zoom app, Appellant John Krmpotic conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk, and reviewed slides with the following titles: 3 key points of support; Further support; and a map of the Sun Valley Planning Area. He stated LUT 3.3 limited this site to five single-family homes per acre. He said he had shared this with the Board and the community, and the developers were asking for 4.2 homes per acre, which was lower than the Master Plan.

On the call for public comment, a voicemail from Ms. Carol Burns was played in Chambers. She stated she represented the original area of the Sun Valley community from El Rancho Drive to Seventh Street. Within that area on Sun Valley Boulevard, there were five traffic signals and excessive air pollution from car emissions. She indicated many commuters utilized Highland Ranch Road to avoid congestion on Pyramid Way and access I-395 through Sun Valley. She referred to an article from the *Reno Gazette-Journal* where the American Lung Association stated air pollution was one of the factors for illness in elderly individuals. She opined new development would increase traffic and pollution issues. She noted the State did not require improvements outside of the development area and wanted that addressed at the next State Assembly by putting more responsibility where it belonged. She spoke about the Chairman of the Sun Valley Citizen Advisory Board (SVCAB) and pointed out one issue with development was children having to cross large, congested streets to reach school. She wondered whether the County could afford to bus these children to school to ensure their safety. She indicated the SVCAB voted for medium, not high density. She expressed frustration about the condition of the road from Parr Boulevard to Spanish Springs and opined it had been neglected for many years. She claimed the owners of the Highland Village property lived in Pennsylvania and had no vested interest in the community.

County Clerk Nancy Parent read emails from Ms. Judy Jensen, Ms. Darlene Perkins, Mr. Jeffrey Neumann, Ms. Allison Smith, Ms. Tiffany Seaman, Mr. Nick Gopen, Ms. Sherry Fairchild, Ms. Ruth Carson, Ms. Janella Jerome-Robbins, Ms. Virginia Edwards, Ms. Judy Hilbish and Mr. Karl Estridge, Ms. Carmen Ortiz, Ms. Theresa Antisdell and Mr. Brent Antisdell, and Mr. Bruce Ferrell. Ms. Parent originally misattributed the comments submitted by Ms. Ortiz, Mr. and Ms. Antisdell, and Mr. Ferrell, but read their emails correctly including their signatures. Complete copies of all emails submitted and read were placed on the record.

Each individual opposed the zoning changes and their concerns included: an increase in traffic; safety concerns for children crossing congested streets; general wear and tear on already compromised roads; the desire for open land to remain open; the already high congestion in the area; project approval allowing too many homes per acre; the inappropriateness of multi-family homes above homeowners; the seismic earthquake activity experienced in the area; illegal dumping; vandalism and graffiti; the lack of support from County agencies; the need for additional infrastructure for existing residents; poor water pressure and high water bills; the desire for retail businesses located in Sun Valley to bring more tax dollars; the failure to improve infrastructure after denial by the PC; the adequate amount of affordable housing being developed; the lack of law enforcement staff to enforce speed limits; a lack of evidence that the housing in this development would be affordable; the opposition of residents; and the use of residential streets as a shortcut to Highland Ranch Boulevard.

Commissioner Herman stated she had many constituents contact her with concerns about the development being high density. She did not believe more than five homes could be placed on the proposed property. She said medium density was appropriate and fair.

Vice Chair Berkbigler wondered about the PC's inability to find compatible land use in the subject area. She indicated medium density properties in this area had up to five units per acre and the developer stated they wanted zoning for 4.5 units per acre. She thought the findings could be made by the Board and did not understand the PC's denial of the proposal. She stated she supported the proposal as written.

Commissioner Hartung stated people wanted the space left open but it was private property. He expressed concern about zoning the development as high density because it would allow up to seven dwellings per acre; if the property changed hands before it was developed, it would carry the allowance for the maximum number of dwellings. He feared the County would have no control over zoning and land use if this was approved as written.

Chair Lucey understood the high density classification allowed up to seven units per acre but it was superseded by the Master Land Use and LUT 3.3, which would only allow for five units per acre. He asked Ms. Olander whether the LUT would expire. Ms. Olander stated it was in the Master Plan, which was being reviewed, and she could not guarantee it would continue to be included in the plan.

Mr. Krmptic indicated the developer had no intention to build more than 4.2 units per acre and had explained that to the Planning Department. A substantial amount of money was spent to determine that the maximum capacity of the property was 4.2 units per acre due to the terrain. He stated he would be happy to go before the PC to specifically request a maximum of 4.2 units per acre.

Chair Lucey indicated improvements to Highland Ranch Road were not in the 2040 Regional Transportation Commission Plan. He expressed concern about traffic

issues if the development was approved for high density. He opined medium density was appropriate for the area.

Chair Lucey reviewed the options for the appeal provided in the staff report.

Commissioner Herman thought a motion could limit the property to 4.2 units per acre. Assistant District Attorney David Watts-Vial stated the Board could move to remand this appeal to the PC for an amendment and an application paired with a development agreement to not seek more than 4.2 units per acre. He said it would be a binding agreement and could not be changed once approved.

Commissioner Hartung thought development at the Old Quarry property in Sparks would require improvements to Highland Ranch Road where it crossed to Sparks Boulevard. He indicated that would change the traffic pattern and flows.

Chair Lucey thought the applicant's development agreement would result in a traffic study, which he thought could add some clarity for Sun Valley residents.

Commissioner Hartung said it would provide comfort to know the exact number of units to be placed on an acre.

Mr. Krmptotic stated changing the plans from 4.2 units per acre to three units per acre would change the economics of this project and the house prices. He said the developers would go back to the PC to propose an agreement for 4.2 units per acre and hopefully gain its support. He noted it was a conventional zoning route and he did not think it would be necessary to change the development plans.

Vice Chair Berkbigler thought COVID-19 could change housing needs. She hoped people would return to work again soon and people would need housing because there was not enough. She stated she supported the developer taking a development agreement back to the PC to specify 4.2 units per acre.

Ms. Olander remarked that the development agreement would go before the Board of County Commissioners. Mr. Watts-Vial clarified the process would be a denial with a remand to the PC. The PC would then review the development agreement and it would come back to the Board of County Commissioners as an ordinance for Board approval.

On motion by Vice Chair Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that the appellant's application be denied and be remanded back to the Planning Commission for a development agreement to address the 4.2 units per acre issue.

**20-0272**      **AGENDA ITEM 21** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

County Clerk Nancy Parent stated there was no need for a closed session.

**20-0273**      **AGENDA ITEM 22** Public Comment.

There was no response to the call for public comment.

**20-0274**      **AGENDA ITEM 23** Announcements/Reports.

Commissioner Jung wondered about a gap in training between citizen advisory boards, general improvement districts, and the Planning Commission as it related to zoning changes. She wanted this to be addressed quickly. She wanted to know the role of the Assessor as a reviewer or someone who provided input on land developments that came before the Board of County Commissioners (BCC). She thought the Assessor could provide recommendations of highest and best use to the Board based on experience. She thanked Chair Lucey for his hard work with the new technology used to conduct meetings.

Chair Lucey stated meetings were very challenging and he appreciated everyone’s patience during these times. He said the County was working diligently to get the community reopened in a safe and productive manner, and the BCC supported the Governor’s endeavors to keep the state safe. He indicated the County was working on reopening plans that adhered to the Governor’s community-based testing, protocols, and checklists, so eventually BCC meetings could be held in public again. He offered assurance that the County was working for the community.

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**2:01 p.m.**      There being no further business to discuss, the meeting was adjourned without objection.

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**BOB LUCEY**, Chair  
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:  
Doni Gassaway, Deputy County Clerk*