

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

TUESDAY

10:00 A.M.

JULY 14, 2020

PRESENT:

Marsha Berkbigler, Vice Chair
Kitty Jung, Commissioner (via telephone)
Vaughn Hartung, Commissioner (via Zoom)
Jeanne Herman, Commissioner

Nancy Parent, County Clerk
Dave Solaro, Assistant County Manager
David Watts-Vial, Assistant District Attorney (via Zoom)

ABSENT:

Bob Lucey, Chair

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:

Vice Chair Berkbigler assumed the gavel in Chair Lucey's absence.

20-0475 AGENDA ITEM 3 Public Comment.

A voicemail was played from Ms. Annemarie Grant, sister of Thomas Purdy. Ms. Grant indicated she was haunted by the sound of her brother's last moments alive and she and her family had to live with that every day. She played a portion of audio recorded during her brother's restraint at the Washoe County jail. She noted he had been hogtied and held by officers for 40 minutes, which she said was longer than most County Commissioners' meetings usually lasted.

County Clerk Nancy Parent read an email from Ms. Tammy Holt-Still. Ms. Holt-Still believed holding public meetings while COVID-19 (C19) safety restrictions were in place and not allowing members of the public to be physically present in the Chambers was a violation of the Nevada Open Meeting Law. She questioned County staff's expertise and cited examples of actions taken over the past three years in response to the flooding disaster in Lemmon Valley, which she felt were ill-advised, inadequate, or fiscally irresponsible. She alleged a lack of responsiveness from staff and said the lives of residents in that area continued to be disrupted by the ongoing disaster.

Ms. Parent read an email from Ms. Elise Weatherly in which Ms. Weatherly provided an excerpt from a blog entry she had written titled "The Coward's Creed". She

indicated her dissatisfaction with the current state of affairs in the community and the nation and brought up what she perceived was a lack of honesty, faith, and virtuous actions on the part of government and leadership.

Ms. Parent read an email from Mr. Daniel Purdy, brother of Thomas Purdy, in which he described his anger at the treatment of individuals in Washoe County; he alleged the County Commissioners did not care about the community. Mr. Purdy stated he would come to Reno in September and hoped C19 restrictions would be lifted by then so he could appear in person before the Board to tell them what his brother's life meant to him and his family. He also asked the Commissioners to join him in helping feed the homeless in the community on Labor Day.

20-0476 AGENDA ITEM 4 Announcements/Reports.

Commissioner Herman had received calls from some constituents over the past month questioning their Waste Management bills. She provided an example of a woman who owned two separate properties with the same Waste Management service, yet she was billed different amounts for each address. She asked for an investigation into why the billing difference was so significant.

Commissioner Herman also discussed the County's 2019 strategic plan and the goal of making Washoe County a great place for everyone to live, regardless of their means. She noted Assistant County Manager Dave Solaro was working on a few items she had recently requested, and she had questions on a few agenda items within the Consent Agenda, as well as a question regarding Agenda Item 8. She wished certain items would stop reappearing on the Consent Agenda, but there seemed to be a determination to put them there. She said some constituents in her district had expressed frustration regarding their inability to attend Board meetings and make public comments in person due to COVID-19 (C19) safety restrictions.

Mr. Solaro stated Agenda Item 16 would be pulled. He also noted he received an email from the applicant requesting that Agenda Item 20 be continued until Chair Lucey was present. Mr. Solaro said Agenda Item 20 would still need to be opened for public comment as it had been properly noticed, but the appeal itself would be postponed for the next meeting of the Board of County Commissioners.

Commissioner Jung requested research from staff regarding C19 emergency funds received regionally from the federal government, which needed to be spent before the end of the year. She hoped some of the funding could be used to provide sanctioned campgrounds, with law enforcement and social workers available for individuals not able to stay in the local shelters. She explained sanitation and toilet facilities were needed as soon as possible in order to protect public health and provide a safe environment for the growing number of unsheltered individuals. She believed makeshift homeless encampments would grow and spread throughout the region as a result of lifting Governor Steve Sisolak's C19-related moratorium on evictions. She suggested creating three

different camping areas within the valley close to public transportation lines, and she requested staff return to the Board within the week.

Vice Chair Berkbigler requested the subject of short-term rentals (STRs) be placed on the Board's agenda in August, preferably during the first meeting of the month. She explained problems in Incline Village were increasing as travelers continued to come to the area from other states. Commissioners and staff had been discussing Citizen Advisory Boards (CABs) and she hoped this subject could also be added to an August agenda. She said the Incline Village CAB needed the ability to discuss issues directly affecting their community, such as parking signage and the C19 pandemic, and she hoped the CABs could get back up and running soon.

Vice Chair Berkbigler agreed with Commissioner Jung's comments regarding the need for safe campsites for the homeless. She expressed concern that individuals temporarily sheltering at the Events Center would need to move by the first week of August, which was quickly approaching. She hoped relocating individuals to safe campsites would help clean up areas along the Truckee River where homeless encampments continued to pose health risks to the community. She explained that members of the Community Homeless Advisory Board (CHAB) had been asked to return to their respective municipalities to discuss these issues within their own governments and, as one of Washoe County's CHAB representatives, she requested further discussion of these important issues.

Vice Chair Berkbigler also spoke about moving \$500,000 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act monies to a special fund for local small businesses that did not receive C19 relief from Congress. She noted there were many small businesses still in need of money to help increase C19 protections, such as personal protective supplies or protective barriers, for workers and the public. She thought County Manager Eric Brown and Assistant County Manager Christine Vuletich had been working on this, but she said this needed to be done soon to help the community move forward in its C19 economic recovery.

Vice Chair Berkbigler expressed understanding of Commissioner Herman's concerns regarding Lemmon Valley and constituents being unable to attend Board meetings in person due to C19 restrictions. She worried that, with the current spike in infections, there was no way to tell how long it might be before Governor Sisolak lifted restrictions on large public gatherings. She wondered whether discussion of some of the Lemmon Valley issues could be postponed in order to allow the public a chance to participate in person, but she knew some things needed to be addressed soon. She said she had discussed these concerns with Mr. Solaro and thought it important to move forward with contracts to mitigate closed-basin flooding and other hazards, or the County would risk being unprepared for the coming winter.

Commissioner Jung agreed small businesses which had not received CARES Act funds could not wait; there was no reason for the County to hold on to the money if it had to be used by December. She requested checks be prepared and payments

ready to be approved by the next Board meeting. Regarding Commissioner Herman and Vice Chair Berkbigler's comments on the Lemmon Valley flooding disaster and related projects, Commissioner Jung wanted to know what the consequences or risk would be for the County if the Board decided to postpone further decisions until the next fiscal year. She thought it would be beneficial to discuss the risks and potential benefits of postponement.

Assistant District Attorney David Watts-Vial advised that some legitimate concerns had been raised, but they should be addressed once the corresponding agenda items were opened. He reminded the Board that items could be taken out of order if needed.

Mr. Solaro clarified Washoe County had not yet received CARES Act funds from the State of Nevada, and a meeting was planned for later that day to discuss how the transfer would occur. He assured the Board that the Manager's Office was actively working on creating the program and staff fully agreed the money needed to be distributed as soon as possible. He advised that an agenda item would be brought back for Commissioners to review.

Commissioner Jung reiterated her request that the subject be added to the agenda for the following week. Vice Chair Berkbigler expressed agreement and appreciation for Commissioner Jung's input.

20-0477 **AGENDA ITEM 5** Appearance by Chad Giesinger, Washoe County Planning Manager to discuss the 2019 Truckee Meadows Regional Plan Update and provide information on key policy changes, implementation, and role of Washoe County in the new plan. Community Services. (All Commission Districts.)

Assistant County Manager Dave Solaro said Agenda Item 5 was very timely given some of the appeals being seen by the Planning Commission and the Board of Adjustment.

Washoe County Planning Manager Chad Giesinger, attending via Zoom, conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Overview of Today's Presentation; Where We Started (3 slides); Key Overall Plan Changes; Scenario Planning; Scenario Maps; Preferred Scenario; Policy Implementation; Authority: NRS 278.0274; Key Policy Changes (3 slides); Regional Form; Tier Amendments/Changes (2 slides); Rural Area (RA and RDA); Sphere of Influence (SOI)/TMSA; Annexation Policy; Next Steps; Public Infrastructure Investment Plan; Natural Resources Plan; and Questions.

Mr. Geisinger explained it had been nine months since the new Truckee Meadows Regional Plan (TRPA) was adopted, and the goal of Agenda Item 5 was to go over some of the changes made to the plan and touch base on the progress made on certain priorities. He noted the process had taken approximately two years. Mr. Geisinger read through the slides in his presentation, skipping the "Public Infrastructure" slide in the interest of time. He then offered to answer questions from the Board.

Commissioner Hartung thanked Mr. Geisinger for his leadership as the Chair of the Regional Governing Board. Regarding the subject of annexation, the Commissioner wondered if the Legislature could implement a cap or time limit, such as ten years. He stated he was somewhat uncomfortable with the tier system and felt it was still a point of contention. He wondered why certain properties within city limits were rated at higher tiers and not downgraded like similar properties in the County. He appreciated the City of Sparks rolling back their sphere of influence, saying it had made life a lot easier, and he was hopeful that a similar rollback might occur with the City of Reno at some point in the future.

Commissioner Jung asked why fire protection and law enforcement services were not considered when the potential annexation of a facility within the regional area was planned. Mr. Geisinger believed the City of Reno did review potential fire service issues as a part of their annexation process, but he could not speak to exactly how they determined whether to annex a given area.

Commissioner Jung expressed concern regarding the potential loss of fire service revenue, saying other entities often claimed they would help the County with those costs but never did. She thought the law needed to be changed and she requested discussion be planned for the Board's next agenda. She thanked staff and Mr. Geisinger for the presentation and the regional plan updates. She trusted that the changes were in the best interest of the County's constituents. She requested information from subject matter experts on best practices and ways to incentivize infill development, as it was something constituents often indicated they wanted to see within the County. She thought it could also be less expensive for developers. She requested this information be provided to the Board within the next 30 days.

Commissioner Hartung agreed with Commissioner Jung's comments regarding the fire and police services constituents depended upon. He said other services also needed to be taken into consideration, such as water, sewer, and transportation, depending on the level of intensification. He felt the County had made headway in many areas and he looked forward to future work on annexation issues and disproportionate tier levels. He thanked staff, Mr. Geisinger, and Vice Chair Berkbigler for their leadership with these issues.

Commissioner Herman recalled that a subject matter expert had been brought in during one of the last meetings before the regional plan was finalized, who advised that changes would need to be made to the Nevada Revised Statutes in order to allow the County to collect for the additional services constituents relied upon. Commissioner Herman felt it would be beneficial if the Statutes were changed but acknowledged changing the law would require going through the legislative process. Commissioner Jung asked whether it was necessary to bring the issues before the Legislature or whether a more equitable agreement could be worked out with the Cities. Commissioner Hartung suggested further discussion and strategizing before deciding to approach the Legislature.

Commissioner Hartung commented not everyone had been in full agreement regarding the changes to the regional plan, and stakeholders had many competing interests and opinions. He felt the updates had still made significant improvement in spite of these difficulties. He believed even those who were not in favor of the changes helped to make the process better simply by being present and participating. Vice Chair Berkbigler thanked Mr. Geisinger and staff for the presentation.

20-0478 **AGENDA ITEM 6** Appearance by Bill Brewer, NRHA Executive Director, and Diane Arvizo, NRHA Director of Homeownership Programs, from the Nevada Rural Housing Authority will provide a brief presentation on the NRHA program in support of the request for transfer of Washoe County's share of Local Government's 2020 Private Activity Bond Volume Cap.

Assistant County Manager Dave Solaro explained Agenda Item 6 was an appearance by representatives of the Nevada Rural Housing Authority (NRHA) and it was also related to Agenda Item 10. Vice Chair Berkbigler introduced Diane Arvizo, NRHA Director of Homeownership Programs, who apologized for the absence of NRHA Executive Director Bill Brewer because of a scheduling conflict.

Ms. Arvizo provided background information on the NRHA down payment assistance program known as Home at Last, which was launched in 2006 and originally funded by a private activity bond cap (PABC). She thanked Washoe County for being part of the original launch and explained the County's first transfer of \$5 million to the program helped 51 families become homeowners. She said the program recently celebrated the milestone of assisting its 9,000th family. The region had benefited from \$1.8 billion in affordable mortgages, \$52 million in down payment assistance, and \$27 million in federal tax savings returned to homeowners and reinvested into the local community through the mortgage credit certificate (MCC) program. She noted the NRHA had recently assisted 3,090 families, and she estimated that number would increase past 4,000 before the end of July, as it had been a record-setting month.

Ms. Arvizo stated the NRHA was requesting the allocation of the remainder of the unused PABC of \$5.8 million to continue funding the Home at Last program. She said the NRHA collectively put the money to good use across the state in programs such as the MCC, which provided a federal tax credit to low-to-middle income homebuyers. This allowed approximately 20 percent of the interest paid on their mortgages to be returned to them every year for the life of their loans. The Internal Revenue Service (IRS) allowed the tax credit to be treated as additional income, which lowered applicants' debt-to-income ratios and benefitted homebuyers with high student loan debt.

Ms. Arvizo reminded Commissioners the transfer of the PABC would not create any obligation or debt for Washoe County, but any unused PABC allocation not transferred to the NRHA or designated for a specific project prior to September 1, 2020 would revert back to the Department of Business and Industry for an undesignated project. By transferring the PABC to the NRHA, Washoe County could ensure the funds would

continue to be used for the Home at Last program to benefit the local community. She noted Washoe County was home to several qualifying rural areas where the Home at Last program could be utilized by residents. She explained communities with populations below 150,000, including the City of Sparks, qualified according to the Home at Last program guidelines. The County had previously transferred \$10.3 million in unused PABC to the NRHA when the program began in 2006 and 2007, and Ms. Arvizo stated this was the first request for transfer since that time. She concluded the County's initial investment had resulted in \$654.1 million in affordable mortgages benefiting Washoe County residents.

Commissioner Jung thanked Ms. Arvizo for her presentation and asked for the definition of low-to-middle income. Ms. Arvizo stated the IRS set income limits for the MCC every year; currently, households with approximately 80 percent of area median income were considered low-to-middle income. For the down payment assistance program, she noted, limits were dependent on the loan type. Federal Housing Authority (FHA) loans, the most popular type of loan among NRHA applicants, allowed total household income up to \$116,000; for conventional loans, moderate-income households could earn up to \$135,000 per year. In Washoe County, she noted, families could earn up to \$93,829 per year if there were one or two people in the home, or up to \$107,904 if there were three or more.

Commissioner Jung spoke about Washoe County's missing middle class and the living wages families needed to earn in order to live comfortably in the area. She wondered what the average purchase price of homes was over the past three years; Ms. Arvizo stated prices had increased from an average of \$180,000 to around \$245,000. She said the MCC was designed for taxpayers trying to make ends meet and the down payment assistance program was for renters unable to save up for a down payment because they spent much of their income on housing. She noted these were highly qualified applicants who paid their bills on time, had good credit, were deserving, and had worked hard to become homeowners.

Commissioner Jung thought the NRHA should be involved with regional planning meetings as they had the best idea of who comprised the area's missing middle class. She thanked Ms. Arvizo for the information, saying she appreciated the NRHA's mission and felt the funds were well spent. If some constituents who were spending more than 30 percent of their income on housing could become homeowners, Commissioner Jung noted, Washoe County would also benefit from those property taxes. She indicated becoming a homeowner was part of the patriotic American dream and helped support quality of life in the local community.

Ms. Arvizo felt it was also important to note NRHA Executive Director Bill Brewer was now the President of the Nevada Housing Coalition, which had been instrumental in bringing Coronavirus Aid, Relief, and Economic Security Act funds to the State of Nevada. She suggested Mr. Brewer could provide updates to the Board in the future. Commissioner Jung said she would enjoy that and remarked she initially thought many citizens within the County would not qualify, based on the word 'rural' in the NRHA's name. She thanked Ms. Arvizo for clarifying that properties anywhere in Washoe

County, except those within the footprint of the City of Reno, were eligible under the NRHA's guidelines.

Commissioner Hartung thanked Ms. Arviso and the NRHA for the great work they were doing, noting he and his wife qualified for a low-interest loan through the NRHA many years earlier. He said interest rates at the time were in the teens and it was unheard of to get a rate under ten percent, which they were able to do through the NRHA. It had been somewhat difficult to qualify due to his self-employment and he wondered how much employment history an individual needed in order to apply. Ms. Arviso said at least two years of tax returns were required. She congratulated Commissioner Hartung and his wife on their successful homeownership and said they were role models for the program. She explained the NRHA was often able to offer below-market interest rates, and their current average rate for a 30-year mortgage was 2.75 percent, which made it unlikely that homebuyers would ever need to refinance. She noted the program did not require a separate application apart from the mortgage loan itself and there were more active lenders in Washoe County than anywhere else in Nevada. Commissioner Hartung agreed with Commissioner Jung that homeownership was one of the keys to building great communities.

Vice Chair Berkbigler noted the agenda item appeared to be styled for possible action and asked if a motion was needed. Assistant District Attorney David Watts-Vial advised that action would be needed during Agenda Item 10, but no action was required on Agenda Item 6. Vice Chair Berkbigler thanked Ms. Arviso for the presentation and expressed appreciation for the good work done by the NRHA.

There was no response to the call for public comment.

CONSENT AGENDA ITEMS – 7A through 7J

- 20-0479** **7A** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners, including the following categories: Communications, Monthly Statements/Reports, Annual Statements/Reports, and Budgets. Clerk. (All Commission Districts.)
- 20-0480** **7B1** Recommendation to approve an Agreement for Professional Services between Washoe County and Brown and Caldwell for the Swan Lake Surface Water Exportation Feasibility Study to evaluate the potential for export water outside of the East Lemmon Valley Closed Hydrographic basin. [not to exceed \$149,796]. Community Services. (Commission District 5.)
- 20-0481** **7B2** Recommendation to approve an Agreement for Professional Services between Washoe County and Cardno Incorporated for the Swan Lake Flood Mitigation Strategy Analysis feasibility study to evaluate potential long-term mitigation options for the East Lemmon Valley Closed Hydrobasin for the possible diversion of upstream flows and to contain floodwater within

the Swan Lake boundary [not to exceed \$107,460]. Community Services. (Commission District 5.)

- 20-0482** **7B3** Recommendation to approve an Easement Agreement and Easement Deed between Washoe County and Mayberry Gardens, LLC, for a storm drain easement totaling ±320 square feet on Betsy Caughlin Donnelly Park to allow for the construction and maintenance of stormwater drainage facilities and to include revegetation of the impacted areas and negotiated mitigation measures. Community Services. (Commission District 1.)
- 20-0483** **7C** Recommendation to approve Washoe County’s Indebtedness Report and accompanying schedules for fiscal year 2019/20 as of June 30, 2020. If approved, staff will submit the report and schedules to the Washoe County Debt Management Commission and to the Nevada Department of Taxation by August 1, 2020. Comptroller. (All Commission Districts.)
- 20-0484** **7D** Recommendation to acknowledge a Specialty Court General Fund Allocation from the Judicial Council of the State of Nevada to the Sparks Justice Court [\$31,550 for FY21, no match required], paid in quarterly installments retroactive to July 1, 2020, grant end date June 30, 2021; and direct the Comptroller to make the appropriate budget amendments. (All Commission Districts.)
- 20-0485** **7E1** Recommendation to Approve Washoe County’s Debt Management Policy as of June 30, 2020. Manager's Office. (All Commission Districts.)
- 20-0486** **7E2** Recommendation to certify charges, levy and direct the Treasurer to collect \$34,684.97 in special assessments for fiscal year 2020/2021 as requested by the State Engineer of the State Department of Conservation and Natural Resources, for Black Rock Desert Groundwater Basin (\$68.91), Honey Lake Valley Groundwater Basin (\$1,371.22), Hualapai Flat Water District (\$2,134.76), San Emidio Desert District (\$4,217.83), Warm Springs Valley Groundwater Basin (\$2,322.77), Washoe Valley Groundwater Basin (\$2,569.48), Warm Springs/Winnemucca Creek Basin (\$4,000.00), Cold Springs Valley Groundwater Basin (\$2,500.00), Lake Tahoe Groundwater Basin (\$1,000.00), Lemmon Valley Water District (\$2,500.00/ \$1,782.41 assessment required due to \$717.59 of existing cash resources in Lemmon Valley Water District Fund), Pleasant Valley Ground water Basin (\$2,500.00), Spanish Springs Valley Groundwater Basin (\$3,000.00), Tracy Segment Groundwater Basin (\$2,000.00), Truckee Canyon Segment Groundwater Basin (\$2,000.00) and Truckee Meadows/Sun Valley Groundwater Basin (\$2,500.00). The Board of Commissioners authorizes the Treasurer to remove uncollectible assessments and/or correct assessments on the tax roll as requested by the Division of Water Resources; direct the Clerk to execute the State of Nevada Division of Water Resources certification letters and send them back to the Division pursuant to NRS

533.285; and direct the Comptroller to pay to the Department of Conservation and Natural Resources the requested funds. Manager's Office. (All Commission Districts.)

- 20-0487** **7F** Recommendation to acknowledge receipt of annual report of projected proceeds and expenditures in the account used for the acquisition and improvement of technology in the Office of the County Recorder for FY21. Recorder's Office. (All Commission Districts.)
- 20-0488** **7G** Recommendation to accept a Grant Award from the ASPCA® in the amount of [\$20,000.00; no County match] retroactive from June 1, 2020 through December 1, 2020 to support a low cost spay/neuter program for cats and dogs of pet owners experiencing hardship due to COVID-19; authorize the Director of Washoe County Regional Animal Services [Shyanne Schull] to execute the grant award; and direct the Comptroller's Office to make the necessary budget amendments. Animal Services. (All Commission Districts)
- 20-0489** **7H** Recommendation to approve the Interlocal Agreement Extraditions between County of Washoe on behalf of the Washoe County Sheriff's Office and the City of Sparks on behalf of the Sparks Police Department in an amount not to exceed [\$35,000] to be paid to the Washoe County Sheriff's Office Consolidated Extraditions Unit for the processing of extraditions and transportation of prisoners for the Sparks Police Department, for the period of the date of execution to June 30, 2021. Sheriff. (All Commission Districts.)
- 20-0490** **7I1** Recommendation to approve a subgrant award from the State of Nevada Aging and Disability Services Division for a supplemental award in the amount of [\$50,000; no match requirement]; retroactive from April 1, 2020 through September 30, 2021 for enhanced care for seniors during COVID-19 pandemic; authorize the Director of the Human Services Agency to execute the subgrant award and related documents; and direct the Comptroller to make necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 20-0491** **7I2** Recommendation to accept FY21 Victims of Crime Act (VOCA) Innovative sub-grant award from the State of Nevada, Division of Child and Family Services to support mental health services for victims in the amount of [\$70,000; \$17,500 County match] retroactive for the period of July 1, 2020 to June 30, 2021; authorize Director of Human Services Agency to execute the sub-grant and related documents; and direct the Comptroller's office to make the necessary budget amendments. Humans Services Agency. (All Commission Districts.)

20-0492 **7J** Recommendation to approve moving Washoe County from a .us domain to a .gov domain for websites and email [\$400.00]. Technology Services. (All Commission Districts.)

Commissioner Jung indicated that, because funding was available in the Capital Improvement Plan for the Lemmon Valley flooding mitigation work, it was important that Washoe County continue working to reduce the possibility of future flooding damage, even if current evaporation rates and lower lake levels were promising.

Commissioner Hartung agreed but Commissioner Jung wanted to know Commissioner Herman's thoughts, as it was her district. If Commissioner Herman felt it best to postpone some of the work, Commissioner Jung said she would support her.

Commissioner Herman reiterated some constituents had expressed frustration regarding their inability to participate in person during Board meetings due to COVID-19 (C19) safety restrictions. However, considering recent economic concerns and the fact that the funding was currently approved and available, Commissioner Herman acknowledged the need to continue the mitigation work and protect the property and safety of Lemmon Valley residents. Commissioner Jung expressed agreement with Commissioner Herman's statements.

Regarding Agenda Item 7J, Commissioner Jung asked why the County was not considering a simple '.com' address instead of '.gov'. Assistant County Manager Dave Solaro explained many municipalities were transitioning to '.gov' addresses as they were not available for use by the general public, which provided an additional layer of security for constituents who were wary of scams.

On the call for public comment, County Clerk Nancy Parent advised the Board two similar emails had been submitted by Ms. Tammy Holt-Still for two different agenda items. Ms. Parent read the first email regarding Agenda Item 7B1. Ms. Holt-Still alleged her comments would not be shared in their entirety during public comment, nor did she believe her emails would be read by the Commissioners. She reiterated her previous assertion that not allowing the public to comment in person during Board meetings due to C19 safety restrictions was a violation of the Nevada Open Meeting Law. Ms. Holt-Still felt the County's response to the flooding disaster of 2017 was extremely slow and the timing of current actions was poor. She indicated this \$149,796 expenditure would do no good as more residents were becoming homeless and crime was increasing. She thought it was inappropriate to spend money on surveys or feasibility studies without real action. She wanted to know where the Desert Research Institute study was, why it was not being used, and when the public would see it. She believed it would prove that residents had been right all along. Ms. Parent read Ms. Holt-Still's second email regarding Agenda Item 7B2. Ms. Holt-Still's comments were the same for both agenda items, except for the total expenditure amount for Agenda Item 7B2.

Attending via Zoom, Mr. Charles Whitaker spoke regarding a previous agenda item that was not part of the Consent Agenda. He felt providing such a large amount

of aid to one organization during a time of economic uncertainty was fiscally inappropriate. Mr. Whitaker stated he worked at a shelter with individuals who might never be able to achieve homeownership. He opined an income of over \$90,000 was not struggling and quality of life in other parts of the world did not depend on whether a person owned a home. He encouraged the Board not to approve Agenda Item 10, saying the City of Sparks had the ability to fund social services on its own and Washoe County had the ability to lobby the State of Nevada to do something about affordable housing and homelessness. He encouraged the Commissioners to work more with community partners across the state. He said he did not know if there were homeless individuals on the housing coalition, but he felt individuals with no housing whatsoever were being discriminated against to benefit households making more than \$90,000 per year.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried on a 4-0 vote with Chair Lucey absent, it was ordered that Consent Agenda Items 7A through 7J be approved. The Interlocal Agreement pertinent to Consent Agenda Item 7H is attached hereto and made a part of the minutes thereof.

20-0493 **AGENDA ITEM 8** Recommendation to acknowledge a presentation on the current status of the Lemmon Valley Closed Hydrobasins short and long term mitigation strategies with possible direction to staff to continue the work, and further to possibly direct staff to, 1) initiate the revision of the current FEMA designated flood plain boundary and pool elevation for the East and West Lemmon Valley Closed Hydrobasins, and 2) to develop a policy for new development within unincorporated Washoe County areas located within the East and West Lemmon Valley Hydrobasins to increase volumetric mitigation of new development located within a 100-year FEMA designate floodplains to 1.3:1 (removal:placement). Community Services. (Commission District 5.)

Dwayne Smith, Director of Engineering and Capital Projects, conducted a PowerPoint presentation via Zoom, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Update to Commission; Washoe County Commission Directives (2 slides); Washoe County Flood Expenses – As of May 31st, 2020; Notable Recent On-Going and Upcoming Field Activities; How Did the Winter of 2019/20 Impact Swan Lake?; Swan Lake Water Elevations 2017-20 (2 slides); HESCO Barrier; Swan Lake Water Quality Monitoring; City of Reno American Flat Irrigation Project; RTC Lemmon Drive Project – Update; Project Limits; Top 3 Alternatives (2 slides); Next Steps; FEMA Floodplain – What is It and What Does It Mean? (5 slides); Volumetric Mitigation within Lemmon Valley Closed Hydrobasin for New Projects within FEMA High-Risk Areas (2 slides); and Today’s Summary.

Mr. Smith said his presentation had three parts; Lemmon Valley updates, the Federal Emergency Management Agency (FEMA) flood plain changes and insurance rate maps, and a discussion regarding policy on construction work to be done within the flood plains. Staff continued to work to mitigate flood impacts, he explained, and the County had spent \$10.4 million on those activities out of a combination of general fund

and utility fund monies. He stated the response had been significant and successful thus far, and he assured the Board the Fiscal Year 2021 approved budget included funding for continued work. He showed a graph which summarized significant precipitation events in the Swan Lake area between 2017 and 2019, and he described how the decreasing lake elevation was due to a combination of evaporation, pumping, and reduced precipitation. He spoke about the barriers which had been installed around Lemmon Valley Elementary School in preparation for the previous winter and the continued communication with residents. He mentioned the online lake camera showed the current water level at any time residents wished to view it.

Mr. Smith reviewed a project being done in collaboration with the City of Reno to irrigate property owned by Washoe County in the American Flat area. He noted cleanup in Lemmon Valley continued along with mosquito abatement activities. He explained the recent removal of barriers along Arkansas Street would not reduce the protection of homes in the area, saying that some material had been left behind but would ultimately be removed as part of the ongoing cleanup efforts.

Mr. Smith said staff had prepared for the winter of 2019-2020 with equipment and resources staged and emergency response plans in place, but since the area did not experience significant precipitation that year, the lake was now at its lowest level in three years. He displayed a graph of the Swan Lake water elevations between 2017 and 2020, pointing out peaks in 2017 and 2019 and the significant decrease in the lake level since the last peak in 2019. He noted the lake was currently three feet lower than the level seen at the same time the previous summer and was declining at a rate of approximately one inch per week.

Mr. Smith advised that field responses continued to be adjusted based on current and projected lake levels. The HESCO barriers, which had been in place since 2017 and 2019, were recently evaluated by a third party and continued to perform well. He spoke about the ongoing water quality monitoring being done both at the lake and to the water being sent to American Flat for irrigation. He stated staff would work with the Health Department and the State to address any decreases in water quality should they occur. He noted algae was expected during the summer months, with shallower waters and warming temperatures, but residents would be notified if it reached a hazardous point. He displayed a photograph of the American Flat area irrigation and explained future irrigation would be done with a combination of water resources, including treated effluent. He noted alfalfa was currently being grown and cut at the site.

Mr. Smith then provided information on the Regional Transportation Commission (RTC) project, which involved modifying Lemmon Drive to improve capacity for area growth. He said Phase 2 of the project included work to be done within the flood plain area, and the RTC had been very helpful in adapting the goals of their project in response to floodplain changes. Mr. Smith reviewed the top three options being considered by the technical advisory committee, which included elevating Lemmon Drive, realigning Lemmon Drive to the west along a natural berm, or realigning Lemmon Drive

to the east along Deodar Way. Stakeholder outreach would be done with a public workshop in the late summer and, after the public's input, a single preferred option would be selected.

Mr. Smith also discussed the FEMA floodplain updates and detailed the proposed changes to the flood insurance rate maps. He recognized there would be impacts to some residents and infrastructure, explaining some properties would move into the floodplain map while others would be removed. He said best practices, including geography contour mapping and precipitation modeling, had been used to develop the new maps. Preliminary estimates indicated between 30 and 40 properties would be added to the floodplain while around 22 would be removed, and County staff planned to reach out to the owners of affected properties to inform them of their flood risk and help them understand the changes. He added that, although there could be increases in flood insurance premiums in certain high-risk areas, some residents might be able to take advantage of potential savings if their homes were built prior to the development of the updated flood map.

Mr. Smith reviewed the policy regarding volumetric mitigation requirements for new projects within FEMA high-risk areas in the Lemmon Valley closed hydrobasin, saying developers were generally supportive of increasing mitigation actions. For every unit of volume added, 1.3 units of volume would be removed, and this policy would apply to all new development.

Commissioner Herman discussed some of the residents' concerns, noting many were still scarred from the flooding disaster. She expressed reluctance regarding decisions which would affect the area, explaining citizens still had a lot of questions and needed help understanding the more technical aspects of the proposed changes. She said residents were also concerned about potential increases in flood insurance premiums and the accuracy of the FEMA maps. She inquired about the Desert Research Institute (DRI) study and wondered when the results would be available for review.

Mr. Smith advised the DRI study was not yet complete, but he planned to request a presentation for the Board as soon as it was finished. He said he understood Commissioner Herman's and residents' apprehensions and could appreciate their concerns because the issues were technical. Flood risks changed over time due to various events, though, and he felt there was no denying the floodplain had changed and mapping needed to accurately reflect the changes. He added that not all properties would be negatively impacted, citing homes inside the floodplain which had been elevated above flood level and homes built prior to the development of the new map. He committed to assisting residents in maximizing their savings and working with their insurers.

Commissioner Hartung asked who was using the alfalfa being grown with water pumped to American Flat; Mr. Smith said he knew the City of Reno had entered into an agreement to cut the alfalfa, but he was not sure where it was sent after that. He told the Commissioner he would check into this. Commissioner Hartung thought the alfalfa could be put to good use at the wild horse sanctuary. He wondered about the cost of cutting and planting and how much Washoe County had contributed towards piping and pumps. He

requested staff get back to him with more information. Mr. Smith said the County had provided land and water quality sampling for the project.

Commissioner Hartung stated he had gone on record with the RTC to share his belief that widening Lemmon Drive to Chickadee Drive would not be adequate; he felt the work needed to extend to Ramsey Way. He liked the berm idea but felt berms were also needed at the north and south ends of the lake, similar to how Highway 395 was elevated in Washoe Valley to help hold back the lake like a levee. He said the work would also improve access to the back side of the valley. He hoped staff would also support the push to continue the extension to Ramsey Way.

Commissioner Hartung requested clarification regarding the units of volume listed on slide 25 of the presentation. Mr. Smith explained the new policy intended to mitigate impacts from new development within the FEMA floodplain; it was in addition to existing policy, rather than replacing it. He noted some developers had agreed to an even higher level of mitigation, such as removing 1.5 units of volume for every 1 unit added within the floodplain, a measure Commissioner Hartung preferred. He realized there might be some pushback by developers if the County were to increase the requirement to 1.5. Mr. Smith opined it was important to find a balance between mitigating real impacts and the possibility of overburdening any new development or single project. He recognized there were many challenges involved with development within a closed basin and 1.3 units was consistent with the City of Reno's existing stormwater mitigation requirements, but he would be happy to have conversations about the possibility of increasing the requirement to 1.5 units.

Commissioner Jung expressed appreciation for the presentation and staff recommendations. She said Lemmon Valley had become something of a test case in that the County had spent a great deal of time responding to the flooding disaster, collecting data, and working with residents, and it should use those experiences to create policy to help avoid problems in the future. She suggested further outreach through a private, multi-modal survey process in order to find out from residents exactly what citizens wanted and needed. The National Weather Service and other government agencies believed increased flooding concerns were likely to persist into the future, Commissioner Jung noted, and better communication with constituents to find out their needs would be imperative. She requested staff reach out to her to discuss the subject further.

Commissioner Jung said Mr. Smith had discussed water quality monitoring and pumping from Swan Lake to American Flat. She requested more information on these subjects, wanting to know when the results would be available, where the data would be sent, and who would sound the alarm if water quality test results indicated the possibility of problems at the lake. She wanted to know what laws or policies were in place; if there were none, she requested staff return with suggestions that could help the County be better prepared for emergencies in the future.

Commissioner Jung asked when the RTC project would be done. Assistant County Manager Dave Solaro did not know when the actual kickoff date was for the field

work, but staff was working to come up with recommended solutions by the end of the year. The next steps included stakeholder outreach and public workshops, Level 2 screening, and the design and funding processes. Commissioner Jung requested information regarding the completion date, cost, and who would be reviewing everything to make sure goals had been met.

Commissioner Jung asked whether there was a way to identify residents living within the FEMA floodplain who did not have mortgages on their properties. She reiterated flooding issues could become more frequent in the future and expressed concern for homeowners who might not have flood insurance after paying off their mortgages or buying their properties with cash, as these residents would be at particular risk if flooding recurred. She requested further discussion on the topic.

Commissioner Jung agreed with Commissioner Hartung's request for a report on the use of the alfalfa being grown at the American Flat site. She noted she had not supported the pumping project but was still interested in finding out the story behind it. She thought using the alfalfa to help feed rescued wild horses would be an excellent solution.

Mr. Smith thanked Commissioner Jung for her comments regarding communication with residents and stated there were always opportunities to increase communication and help the public more effectively. He said staff would return with information regarding the alfalfa farming and the RTC on a future agenda.

On the call for public comment, County Clerk Nancy Parent read an email from Ms. Tammy Holt-Still. Ms. Holt-Still indicated she believed Washoe County violated the Nevada Open Meeting Law by holding meetings while the public could not physically attend due to Governor Steve Sisolak's COVID-19 (C19) restrictions on public gatherings. She felt the County wanted to change the FEMA floodplain map to place financial responsibility on residents for problems she believed were caused by overdevelopment within the closed basin. She discussed dirt differential and soil movement concerns not covered by FEMA flood insurance and the problems she perceived with the continuation of development within floodplains after a federally declared emergency. She pointed to various factors such as increased precipitation between September and March, the effect of cold air on evaporation levels, reduced irrigation during the winter, an elevated water table within the closed basin, and overdevelopment as causes of a reduction in natural percolation. She said volumetric offset models had proven unreliable and were meant for river waters rather than closed basins. She expressed concern that all of Lemmon Drive was within the floodplain and its integrity had been impacted due to flooding. She indicated the RTC Lemmon Drive project options did not address the area from Waterash Street to Oregon Boulevard or the issues with water across Idaho Street.

The 3-minute individual public comment time limit had been reached but Vice Chair Berkbigler asked Ms. Parent to continue reading. The remainder of Ms. Holt-Still's email alleged C19 restrictions were being used as an excuse to avoid public workshops. She stated Swan Lake's volumetric size had been reduced while inflow from

stormwater and effluent discharge had increased, and she insisted development in the area needed to stop until the lake's size was adequate to absorb these flows.

Ms. Parent read an email from Ms. Holly Lenz. Ms. Lenz stated she was opposed to the Board making decisions regarding the FEMA floodplain during a time when the public was physically unable to attend Board meetings. She stated she agreed with Ms. Holt-Still's comments regarding Agenda Item 8, which she copied into the body of her own email.

Commissioner Jung proposed a motion to acknowledge the presentation on the short- and long-term strategies, start working with FEMA, and develop a Countywide policy to include the volumetric mitigation which staff had said was fair and balanced for the entire county. Mr. Smith thanked the Commissioner and said staff was given clear direction.

On motion by Commissioner Jung, seconded by Vice Chair Berkbigler, which motion duly carried on a 3-1 vote with Chair Lucey absent and Commissioner Herman voting "no", it was ordered that the presentation for Agenda Item 8 be acknowledged, work with FEMA be directed to begin, and a County-wide policy which included the volumetric mitigation as recommended by staff be developed.

BLOCK VOTE – AGENDA ITEMS 9 through 15

20-0494 **AGENDA ITEM 9** Recommendation to approve the fiscal year 2020-2021 [payment of \$248,164] as Washoe County's share in annual funding for the Truckee Meadows Regional Planning Agency (TMRPA) pursuant to NRS 278.0264(7) and an adopted interlocal agreement. The total amount will be paid to TMRPA in quarterly installments with the first occurring on July 1, 2020. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

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

20-0495 **AGENDA ITEM 10** Recommendation to approve Resolution R20-046, providing for the transfer of Washoe County's share of Local Government's 2020 Private Activity Bond Volume Cap [\$5,822,655.34] to the Nevada Rural Housing Authority for support of the organization's affordable housing programs; and other matters related thereto. Community Services. (All Commission Districts.)

Commissioner Jung believed housing was a civil right which needed to be fought for at a community and national level, and everyone should have the right to choose the shelter in which they wanted to live.

Vice Chair Berkbigler wondered why the funds in question could not be transferred to or utilized for the Affordable Housing Trust Fund in Washoe County.

Assistant County Manager Dave Solaro explained Agenda Item 10 would not result in the transition of funds but it would allow the utilization of the County's private activity bond cap assessed by the State. He clarified there was no actual transfer of money involved; if the agenda item were approved, Washoe County would simply allow the Nevada Rural Housing Authority the ability to bond against the cap from the State.

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried on a 4-0 vote with Chair Lucey absent, it was ordered that Agenda Item 10 be approved. The Resolution pertinent to Agenda Item 10 is attached hereto and made a part of the minutes thereof.

20-0496 **AGENDA ITEM 11** Recommendation to accept a Victims of Crime Act (VOCA) grant to the District Attorney's Office in the amount of [\$627,000; \$156,750 required match], from the State of Nevada Department of Health and Human Services Division of Children and Family Service (DCFS) to provide funding to retain a full-time Victim Witness Advocate and two intermittent hourly Victim Witness Advocates; retain an intermittent hourly Forensic Interviewer and create a second intermittent hourly Forensic Interviewer and a full-time Forensic Interviewer for the Child Advocacy Center (CAC); create a full-time Human Services Support Specialist II for the CAC (as evaluated by the Job Evaluation Committee); provide for counseling services at the CAC; fund related travel, training equipment, and direct victim services and supplies; retroactive from July 1, 2020 through July 30, 2021; direct Human Resources to create the necessary positions and direct the Comptroller to make the necessary budget amendments and retroactively authorize the District Attorney or his designees to sign the grant agreement. District Attorney (All commission districts)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried on a 4-0 vote with Chair Lucey absent, it was ordered that Agenda Item 11 be accepted, directed, and authorized.

20-0497 **AGENDA ITEM 12** Recommendation to accept FY21 Victims of Crime Act (VOCA) Innovative sub-grant award from the State of Nevada, Division of Child and Family Services to support Homeless Services in the amount of [\$130,000; \$32,500 County match] retroactive for the period of July 1, 2020 to June 30, 2021; authorize Director of Human Services Agency to execute the sub-grant and related 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 Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried on a 4-0 vote with Chair Lucey absent, it was ordered that Agenda Item 12 be accepted, authorized, and directed.

20-0498 **AGENDA ITEM 13** Recommendation to accept Community Corrections Partnership Block Grant from the Department of Health and Human Services - Juvenile Justice Programs Office in the amount of [\$317,163.53] to provide treatment and programming to youth referred to the Washoe County Department of Juvenile Services; for the retroactive period of 7/1/20-6/30/21. No match required. If approved, direct the Comptroller's Office to make the necessary budget amendments. Juvenile Services. (All Commission Districts).

There was no response to the call for public comment.

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

20-0499 **AGENDA ITEM 14** Discussion and possible action on the County Manager's recommended Capital Improvement Plan (CIP) for Fiscal Years 2021-2025 and direct the County Manger to submit the CIP to the State of Nevada and others by August 1, 2020. Manager's Office. (All Commission Districts.).

Referring to page 3 of the staff report for Agenda Item 14, Commissioner Hartung inquired whether the cost of restorations for the Regional Emergency Operations Center and the Regional Public Safety Training Center were being shared by Washoe County, the City of Reno, and the City of Sparks. Assistant County Manager Dave Solaro indicated this was correct, noting the Cities had already allocated their shares of funding for the projects, based on existing interlocal agreements.

Commissioner Hartung wanted to know where the funding for the Regional Animal Services roof restoration came from, to which Mr. Solaro replied Animal Services paid for the project from their own budget. Commissioner Hartung also inquired about the

parks budget. Mr. Solaro confirmed a portion of the Capital Improvement Plan was specific to parks and included residential construction tax and grant funding.

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried on a 4-0 vote with Chair Lucey absent, it was ordered that the County Manager's recommended Capital Improvement Plan (CIP) for Fiscal Years 2021-2025 be adopted and the County Manager be directed to submit the CIP to the State of Nevada and others by August 1, 2020.

20-0500 **AGENDA ITEM 15** Accept Resignation due to Retirement of Craig Betts, Chief Information Officer Effective July 10, 2020; Accept County Manager's Recommendation; and Appoint Information Technology Manager Quinn Korbolic to the Position of Acting Chief Information Officer, and approve a salary adjustment of 10%, effective July 14, 2020. Manager's Office. (All Commission Districts.)

Commissioner Hartung asked whether Washoe County planned to conduct a recruitment for the Chief Information Officer position. He clarified he did not believe Information Technology Manager Quinn Korbolic was unsuitable for the position, but he felt it was best for the County if the recruitment was opened to all qualified applicants on a national level.

Assistant County Manager Dave Solaro responded an open competitive recruitment would be done for the County's Chief Information Officer position. Commissioner Jung agreed an open recruitment and a competitive national search would be in the best interest of the County and taxpayers.

Commissioner Hartung thanked Chief Information Officer Craig Betts for his time at the County. He indicated Mr. Betts had done a great job bringing Washoe County into the 21st century with many technological advances and protecting the County's assets and valuable data.

Vice Chair Berkbigler agreed and thanked Mr. Betts for his time with the County on behalf of the Board of County Commissioners.

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried on a 4-0 vote with Chair Lucey absent, it was ordered that the resignation due to retirement of Chief Information Officer Craig Betts be accepted, Information Technology Manager Quinn Korbolic be appointed to the position of Acting Chief Information Officer, and a salary adjustment of 10 percent effective July 14, 2020 be approved.

PUBLIC HEARINGS

20-0501 **AGENDA ITEM 17** Public Hearing for the second reading and possible adoption of an ordinance amending Washoe County Code Chapter 70 (Vehicles and Traffic) by adding a definition for “non-commissioned deputy”; by updating the traffic control committee to replace references to the director of public works with the director of the community services department; and by amending a provision related to the categories of personnel who may issue citations for illegally parked vehicles, and all other matters properly relating thereto. Community Services. (All Commission Districts.)

The Vice Chair opened the public hearing.

Nancy Parent, County Clerk, read the title for Ordinance No. 1654, Bill No. 1844.

On the call for public comment, Ms. Judith Miller, attending via Zoom, expressed appreciation for the proposal to allow non-commissioned deputies to issue citations for illegally parked vehicles. She hoped this would allow the Washoe County Sheriff’s Office to focus more on safety issues. She mentioned a recent accident involving an unlicensed 17-year-old driver who crashed into the home of an elderly neighbor, causing the home to be condemned. Ms. Miller hoped the neighbor would be able to return to her home once repairs were made and power was restored.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried on a 4-0 vote with Chair Lucey absent, it was ordered that Ordinance No. 1654, Bill No. 1844, be adopted, approved, and published in accordance with NRS 244.100.

20-0502 **AGENDA ITEM 18** Public Hearing: Second reading and adoption of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 adopting a Development Agreement between (1) Washoe County and (2) Regal Holdings of Nevada, LLC and Charles J. Fornaro, et. al., for Highland Village, limiting the gross density to 4.2 dwelling units per acre on the portions of the property (APNs 508-020-41 and 508-020-43) zoned High Density Suburban. The term of the agreement is ten (10) years. The project is located north of Highland Ranch Parkway and north of Midnight Drive. The project encompasses a total of 2 parcels that total approximately 54.4 acres. The parcels are located within the Sun Valley Area Plan. The property is located within the Sun Valley Citizen Advisory Board boundaries and within Washoe County Commission District No.5. (APNS: 508-020-41 & 43) Community Services. (Commission District 5.)

The Vice Chair opened the public hearing.

Nancy Parent, County Clerk, read the title for Ordinance No. 1655, Bill No. 1842.

Commissioner Hartung asked whether previous zoning would apply if an applicant did not build within the 10-year timeline. Planner Julee Olander answered affirmatively. She clarified 10 to 15 years was normal for a development agreement, but Sierra Reflections had to be renewed because it had expired.

On the call for public comment, County Clerk Nancy Parent read an email from Ms. Judi Jensen of Sun Valley, who voiced objection to the agenda item, saying that traffic in the area was already unsafe. She expressed concerns regarding speeding in residential areas and the lack of plans to increase the capacity of Highland Ranch Road or Sun Valley Boulevard. She noted there was only one access route off Highland Ranch Parkway and worried the developer might return after 10 years to request changes to the zoning agreement to increase density even further. She asked the Board to vote against the ordinance.

On motion by Commissioner Herman, seconded by Commissioner Hartung, which motion duly carried on a 4-0 vote with Chair Lucey absent, it was ordered that Ordinance No, 1655, Bill No. 1842, be adopted, approved, and published in accordance with NRS 244.100. The approval was based on the ability to make the findings required by WCC Section 110.804.25, *Findings*.

20-0503 **AGENDA ITEM 19** Introduction and first reading of an ordinance approving a Development Agreement between Washoe County and Ridges Development Inc / Ridges at Hunter Creek III LLC, regarding tentative subdivision map case number TM16-005 (Ridges at Hunter Creek) which approved (on July 5, 2016) development of a 53-lot, single-family residential, common open space subdivision. Lots range in size from ±0.37 acres (±16,117 square feet) to ±2.3 acres (±100,188 square feet). This agreement extends the deadline for filing the first in a series of final subdivision maps from July 5, 2020 to July 5, 2022. The subject site is located south of Woodchuck Circle and Hunters Peak Road and west of Hawken Drive. The subject site consists of four parcels totaling ±155.01 acres in size. The master plan designations include Suburban Residential (SR), Rural Residential (RR) and Rural (R). The regulatory zones include General Rural (GR), Low Density Suburban (LDS) and High Density Rural (HDR). The parcel is located within the Southwest Truckee Meadows Area Plan, and is situated in portions of Sections 19 and 30, T19N, R19E, MDM, Washoe County, Nevada. (APNs: 041-650-07, 041-650-03, 041-671-02 & 041-662-12); and, if approved, schedule a public hearing for second reading and possible adoption of the ordinance for August 18, 2020. Community Services. (Commission District 1.)

The Vice 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. 1845.

Bill No. 1845 was introduced by Vice Chair Berkbigler, and legal notice for final action of adoption was directed. The second reading would be scheduled for August 18, 2020.

PUBLIC HEARING

20-0504 **AGENDA ITEM 20** Public Hearing: Appeal of the Washoe County Planning Commission's denial of Regulatory Zone Amendment Case Number WRZA20-0003 (Reno Christian Fellowship) to amend the Southwest Truckee Meadows Regulatory Zone Map, a component of the Southwest Truckee Meadows Area Plan, to change the regulatory zone for 3 parcels (APN: 049-153-10, 11 & 12) totaling 12.55 acres from Low Density Suburban (LDS) (1 dwelling unit/acre maximum- allowing up to 12 units) to Medium Density Suburban (MDS) (3 dwelling units/acre maximum- allowing up to 36 units) for Reno Christian Fellowship, Inc. The parcels are located adjacent to and west of the church. And, if approved, authorize the chair to sign a resolution to this effect. Community Services. (Commission District 2.)

Assistant County Manager Dave Solaro advised that the applicant, Reno Christian Fellowship, had requested Agenda Item 20 be continued so Chair Lucey could attend the hearing. Mr. Solaro said public comment would need to be opened during the current meeting because the agenda item had been properly noticed.

Via Zoom, Mike Railey of the Christy Corporation, representing Reno Christian Fellowship, reaffirmed the request for continuance to the next meeting so Chair Lucey could participate, since the property in question was within his district.

Vice Chair Berkbigler opened the public hearing by calling on anyone wishing to speak. Ms. Cheryl Jordan, via Zoom, asked whether it was appropriate to comment or if she should wait until the next meeting. Vice Chair Berkbigler indicated Ms. Jordan was welcome to comment if she wished to do so. Ms. Jordan voiced opposition to the proposed zoning change, explaining she and her husband had been homeowners on West Tacoma Road for more than 20 years and their property bordered the subject property directly to the north. She said they had been present at the Citizen Advisory Board (CAB) and Planning Commission (PC) meetings where the proposed zoning change had been denied. She believed over 100 emails had been sent, arguing the proposed lot sizes were incompatible with neighboring properties, and expressing concerns regarding potentially decreased property values in the surrounding neighborhoods. She discussed concerns regarding spot zoning in the area, potentially increased traffic, and community covenants

and restrictions, whose purpose was to preserve and protect residents' views and property values. She reiterated strong opposition to the requested zoning change, saying these arguments had been recognized at the CAB and PC meetings.

Mr. Adam Auerbach, attending via Zoom, said he had also attended the previous meetings where the zoning changes had been denied. He stated he was uncertain exactly what the applicant sought to appeal and he requested clarification. Mr. Solaro responded the applicant was appealing the PC's denial of the proposed zoning change. Mr. Auerbach asked about the specific basis for the applicant's appeal, and Mr. Solaro explained this information was detailed in the staff report.

Commissioner Jung interjected, seeking input from Assistant District Attorney David Watts-Vial. Vice Chair Berkbigler explained to Mr. Auerbach that questions were not typically answered during public comment. Mr. Watts-Vial agreed questions asked during public comment should not be addressed, as doing so could be a potential violation of the Open Meeting Law. Vice Chair Berkbigler apologized and said the back-and-forth between Mr. Auerbach and Mr. Solaro should not have been allowed.

County Clerk Nancy Parent read the names of 22 individuals or couples who submitted emails in opposition to Agenda Item 20: Dr. K.A. Caprile, Ms. Cathie Stameson, Ms. Carole Vetter, Nick and Sharon Facque, Mr. Hal Craddock, Mr. Steve Erger, Ms. Ann Marie Craddock, Mr. Michael Black, Ms. Christine Young, Sandra and Edward Martinez, Mr. Leo Legorburu, Ms. Linda Erger, Ms. Pamela Bryan, Ms. Cathy Hollomon, Christine A. and Ralph R. Bareuther, Mr. John Faulstich, Clay and Frances Mahoney, Dr. Gerald Lent, Ms. Ellen Shaw, Ms. Kathy Clewett, Mr. Jeffrey Lawrence, and Mr. Mike Jordan. Ms. Parent advised the Board copies of these emails would be placed on the record.

The commenters' concerns included the following: a desire to uphold the previous denials of the rezoning request made by the PC and the South Truckee Meadows/Washoe Valley CAB; inconsistency with surrounding lot sizes and neighborhood density; access issues and concerns that existing area roads were not equipped to accommodate increased traffic; safety concerns in school zones; an increased need for fire and other emergency services; changes to the character of the residential neighborhoods; reduced value for surrounding properties; light pollution and increased noise; loss of wildlife habitat; reduced quality of life for area residents; lack of a site plan provided to residents; a lack of transparency by representatives of the property owners and developers; and a lack of merit for the appeal.

Just as public comment was being closed, Vice Chair Berkbigler was informed that Dr. Gerald Lent, attending via Zoom, had indicated a desire to speak. Vice Chair Berkbigler offered to reopen public comment so Dr. Lent could talk, but he indicated he would wait until the next meeting to speak due to the agenda item being continued. Vice Chair Berkbigler reiterated Agenda Item 20 would be continued to July 21, when Chair Lucey could be present.

Commissioner Hartung asked if a motion of continuance was needed, but Mr. Watts-Vial said one was not necessary. There was no motion on this item.

20-0505 **AGENDA ITEM 21** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and/or Truckee Meadows Fire Protection District per NRS 288.220.

Assistant County Manager Dave Solaro advised there was no need for a closed session.

20-0506 **AGENDA ITEM 22** Public Comment.

Ms. Judith Miller had requested to speak via the Zoom platform, but she was not available when called. County Clerk Nancy Parent advised the Board that Ms. Miller had also submitted public comment via email.

Ms. Parent read an email from Ms. Tammy Holt-Still and displayed three photographs Ms. Holt-Still had attached. Ms. Holt-Still's email echoed her previous statements that she believed holding public meetings when the public was not allowed to attend in person due to COVID-19 (C19) safety restrictions was a violation of the Open Meeting Law. She said the photos provided were of Arkansas Street where staff had removed barriers and left materials behind which were not native to the area. She opined this was the result of poor management by Assistant County Manager Dave Solaro and Director of Engineering and Capital Projects Dwayne Smith. She had hoped things might improve after County Manager Eric Brown came on board but she believed this had not proven to be the case. She discussed residents' continued inability to use Arkansas Street and concluded the Commissioners should be voted out of office.

Ms. Parent read Ms. Judith Miller's email, which thanked Vice Chair Berkgigler for making requests on behalf of her district and addressing citizens' needs. Ms. Miller felt it was important to focus on the short-term rental (STR) ordinance and opined the parking problems in Incline Village were intolerable. She felt there was not enough parking for the East Shore Trail. Vacation rentals were more popular than ever during the C19 pandemic, and she believed not requiring STRs to provide onsite parking only exacerbated the problem. She implored the County to schedule an agenda item to discuss STRs further and address the issue of on-street parking. She discussed requiring special use permits or limiting the number of guests allowed at STRs, as well as sanitation requirements and other restrictions she felt should be imposed on tourists during the pandemic.

Assistant District Attorney David Watts-Vial noted the photos provided by Ms. Tammy Holt-Still had also been displayed in the YouTube broadcast of the meeting.

20-0507 **AGENDA ITEM 23** Announcements/Reports.

Commissioner Herman shared that Commissioner Hartung had recently been selected for an award. She congratulated him and asked him to provide more details. Commissioner Hartung stated he would receive the Public Official of the Year award from the Water Environment Federation after being nominated through the Nevada Water Innovation Institute at the University of Nevada, Reno. He thanked Commissioner Herman for the acknowledgement. Per the organization’s website, www.WEF.org, the honor was bestowed upon selected public officials who had made a significant contribution in the areas of clean water legislation, public policy, government service, or other areas of public prominence, resulting in improvements to the water environment.

Vice Chair Berkbigler congratulated Commissioner Hartung and said the award was well deserved as he was the Board’s resident expert regarding local water issues. Commissioner Jung agreed, saying Commissioner Hartung had an innovative approach to water resources and had really helped put Washoe County on the map with his focus on managing water resources in the region’s high desert environment. She indicated she wanted to support Commissioner Hartung in person when he accepted the award.

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1:13 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
LJ Burton, Deputy County Clerk*