

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

TUESDAY

10:00 A.M.

DECEMBER 15, 2020

PRESENT:

Bob Lucey, Chair

Marsha Berkbigler, Vice Chair

Kitty Jung, Commissioner (via telephone)

Vaughn Hartung, Commissioner (via Zoom)

Jeanne Herman, Commissioner

Janis Galassini, County Clerk

Eric Brown, County Manager

David Watts-Vial, Assistant District Attorney (via Zoom)

The Washoe County Board of Commissioners convened at 10:32 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

Chair Lucey stated the Board meeting would be conducted as a business meeting. He asked the large number of individuals in Chambers to maintain social distance and wear face masks. He said anyone who wished to provide public comment would be required to wear a mask. He mentioned Agenda Items 10 and 11 would be pulled from the agenda.

20-0878 AGENDA ITEM 3 Public Comment.

On the call for public comment, the following people requested the Board hold a public hearing to discuss the County's response to COVID-19: Mr. Chris Rodahaffer; Ms. Kellie Lee; Mr. Damien Lee; Ms. Margaret Butler; Ms. Cindy Martinez; Ms. Irene Rubio; Mr. Simon Abittan; Ms. Gina Gilbert Green; Ms. Rachel Yelley; Ms. Kelsey Schroeder; Ms. Camie Cragg; Mr. Jason Yelley; Mr. Brandon Borden; Ms. Amber Borden; Mr. Kevin Bouska; Ms. Susan Kirkland; Ms. Kristina L. Mooney; Mr. Fabraham Alonso Nieves; Ms. Kristen Smith; Mr. Nicholas St. John; Ms. Faustina Nancy Vasquez; Mr. Zeke Renner; Ms. Michelle Perry-Roberts; Mr. Jeff Backlet; Ms. Heather Collup; Mr. Rick Collup; Mr. Joey Gilbert; Ms. Tracy Schroeder; Mr. Ryan Pedersen; Ms. Marilyn Marin; Ms. Johanna Halosz; Ms. Katania Taylor; Ms. Erin Massengale; Mr. Wesley Fletcher; Ms. Kathy Tague; Mr. Brian Bosma; Mr. Dale Stockton; Mr. Clay Murray; Ms. Shannon Jansen; Ms. Hope Backman; Mr. Bill Smith; Mr. Brian Busch; Mr. Zachary Rhodes; Ms. Andrea Wexelblatt; Mr. Brandon Koch; Ms. Layne Linebaugh; Ms. Racquel Abowd; Ms. Malaika Heinbaugh; Mr. Jeff Taylor; Mr. Matthew Bright; Ms. Chelsey Wethern; Ms. Shawna Burkhart; Ms. Tara Thornton; Ms. Kourtni Bitz; Ms. Marisa Mascitelli; Ms. Amanda Johnston; Ms. Robin Lovelace; Ms. Dorothy Vincent; Ms. Holly

Cortez; Mr. Neal Sickles; Mr. Brian Spoon; Ms. Gloria Pecson; Ms. Rosemarie Huff; Ms. Brandy DeMara; Ms. Eileen Freeman; Ms. Susan Van Ness; Ms. Sara Yelowitz; Mr. Drew Kachurak; Ms. Danielle Wells; Dr. Joseph R. Kramer; Ms. Melissa Brown; Ms. Pauli Jones; Ms. Jennifer Whalen; Ms. Regina Diaz; and Ms. Sevina Versales.

The above individuals supplied the following reasons for their request: frustration about mandates and restrictions; consternation about capacity limitations for businesses; the rights of citizens to earn a living; the belief that too many residents were losing their sense of purpose; the long-lasting effects of the Washoe County School District's (WCSD's) decisions on students; the conviction that parents should be able to make decisions for their children; the belief that children should be able to receive an in-person education; the struggles children experienced with distance education; the inability of working parents to stay home while their children attended school remotely; the belief that children should be able to participate in sports; the increase in clinical depression among school-aged youth; WCSD's Board of Trustees' lack of concern about depression due to isolation; the frustration about political bureaucracy and inaction; the financial difficulties many business owners were experiencing; the increased incidence of suicide; the frustration about and discomfort from wearing face masks; the feeling of being ostracized as a company if the owner decided not to wear a mask; the assertion that the future direction of the community response to COVID-19 (C19) needed to be made by County residents; the negative economic, social, and emotional effects of the current C19 response strategy; the negative effect of isolation on seniors living in congregate housing; the conviction that businesses could not survive at 25 percent capacity; concern about the financial futures of the County and State if businesses did not survive the C19 response; the misuse of law enforcement against law-abiding citizens; the belief that the Governor's restrictions were unconstitutional; the duty of the Board to defend the constitutional rights of its citizens; the inconsistency of the C19 response; the loss of health benefits because people were avoiding health clubs; the assertion that shutdowns had not worked; the increase in homelessness; the fear that the response to C19 could not be worse than the pandemic; the need for reasonable decisions in the future; the inability of individuals with health-related difficulties to patronize businesses because they could not wear masks; the belief that known treatments were not being administered; the assertion that kids were not learning; the belief that C19 was a hoax; the length of time children were spending on the computer each day because of distance learning; the need to work together; the need to follow health and safety protocols; the unsustainability of the current C19 response; the increase in drug abuse due to isolation and hopelessness; the desire for gyms to be classified as essential businesses; the impression that small businesses were subjected to greater scrutiny than large corporations; the risk of business owners being sued for discrimination and violating the Americans with Disabilities Act; the observation that the Governor's mandates were unproven and unscientific; the reflection that C19 data did not align with the Governor's restrictions; the evidence that gyms were not the main source of mass C19 spread; the money spent by small businesses on modifications, safety precautions, and additional cleaning services without the ability to recuperate those costs; the desire to hear firsthand accounts from health professionals dealing with the virus; the appeal for elected County officials to take a leadership stance; concern about increased domestic violence; concern about the high unemployment rate and delays with unemployment claims; the

unease about inhaling carbon monoxide when wearing masks; the apprehension that a loss of jobs would result in increased crime; the concern about the rise in obesity which would put people in the at-risk category for C19; the lack of correlation between Nevada being one of the most restrictive states and its case totals; the concern that the transfer of wealth from small businesses to large corporations would be felt for years; the observation that polymerase chain reaction (PCR) tests were unreliable; the disconnect between claims that Renown Hospital was over capacity and the overflow facility being empty; the effects that the proliferation of fear had on many small businesses; consternation over not being able to hold weddings or funerals; the belief that C19 responses needed to be specific to each community and business; the increase in homicides in the state; concern about low-income families; the belief that the pandemic amounted to a bad flu year; business owners' concerns about Occupational Safety and Health Administration fines; the belief that the essential worker plan was arbitrary; the lack of confidence in the Governor's decisions; the inability to attend church; the incongruity of teenagers being able to work in retail stores but not attend school; concerns about the efficacy of wearing face masks; the belief that recoveries were underreported; and the conviction that citizens were losing confidence in government and the health care system.

The above individuals made the following suggestions: the Board should hold a public hearing and present as much new information as possible before making decisions; the Commissioners should try living on 25 percent of their income as business owners were asked to do; the WCSD should go back to full-time, in-person instruction; children should resume playing sports; the County should take a stance against the unlawful mandates and restrictions; the County should open up completely; a panel of experts should be assembled to decide future actions; the Health District should list the number of suicides, attempted suicides, and cases of domestic violence along with C19 statistics; District Health Officer Kevin Dick should participate in a public hearing where he could be questioned about his education, qualifications, and the scientific information used for his recommendations; Mr. Dick should be deposed under oath; and PCR tests should be run at a lower cycle threshold amplification to reduce the number of false positives.

Using the Zoom app, Ms. Carole Black mentioned the Tahoe Transportation District's (TTD's) plan to purchase property in Incline Village (IV) for an upcoming project. She said the TTD established a subgroup the prior week to oversee further evaluation of the proposal. She requested that an IV resident be added to the subgroup, along with incoming District 1 Commissioner Alexis Hill and Andy Chapman, President of the Incline Village Crystal Bay Visitors Bureau. She noted an earthquake fault on the property would need to be considered. She thanked Vice Chair Berkbigler for her hard work and responsiveness during her tenure on the Board.

The following individuals were not present when called: Ms. Heather Toole; Mr. Philip H. Dunievitz; Ms. Katrina Pedersen; Ms. Andrea Villatora; Mr. Brad Royle; Ms. Susan L. Howell; Ms. Pearl Laperla; Ms. Andrea Wexelblatt; Ms. Alexa Carney; Ms. Nicole Koch; Ms. Heather Allison; Mr. Neil Rombardo; Mr. Andrew Caudill; Ms. Claudia Johnson; Mr. Jonathan Boesen; Ms. Lisa Wethern; Mr. Riely Rain Wethern; Dr. J.S. McElhinney III; Mr. Adam Wexelblatt; Mr. Memo Vazquez; Ms. Nicole

Medeivos; Dr. Thomas Lee; Ms. Meghann Thibodeaux; Ms. Stacy Stewart; Ms. Barb Mathers; Ms. Nancy Jones; Ms. Patty Toone; Ms. Deanna Mandichak; and Mr. Richard Green.

County Clerk Janis Galassini noted Mr. Nicholas St. John and Ms. Layne Linebaugh submitted documents, copies of which were placed on the record. She advised the Board she received emailed public comments from Ms. Elise Weatherly, Ms. Cathy Logan, and Mr. Dreu Edward Murin, which she placed on the record.

1:40 p.m. The Board recessed.

2:41 p.m. The Board reconvened with all members present.

20-0879 AGENDA ITEM 4 Announcements/Reports.

County Manager Eric Brown indicated the County received the first shipment of approximately 3,600 doses of COVID-19 (C19) vaccines, which would be distributed to Saint Mary's Regional Medical Center, Renown Regional Medical Center, Northern Nevada Medical Center, and Incline Village Community Hospital. He commented the Health District had worked with the State and the Centers for Disease Control and Prevention to develop a vaccination plan. He wanted the public to know vaccines would be prioritized for front-line health care workers and those in elderly congregate care settings first. Residents should not call the Health District or the County to inquire about getting the vaccine as it would likely not be available until late January or early February; the Health District would continue to update the public. He announced local media partners would broadcast a C19 community impact update on December 16 from 6:00 p.m. to 6:30 p.m., which would feature firsthand information provided by local health leaders in the community.

Mr. Brown stated the County provided more than 40 employees to help the Washoe County School District (WCSD) expand its contact tracing capacity. He thanked the Libraries, Sheriff's Office, and Technical Services for their efforts.

Mr. Brown noted Consent Agenda Item 8C1 was the appointment of Kelly Echeverria as Emergency Management Administrator upon Aaron Kenneston's retirement; he congratulated Ms. Echeverria. He stated Agenda Item 9 would be pulled from the agenda since the settlement agreement for that item had not been complete yet, and he indicated it would be reagendized for a future meeting.

Commissioner Herman appreciated the public relaying their concerns related to C19 and said her only experience with disease was when she contracted diphtheria as a child and was quarantined to eliminate the spread. She understood the economic situation and was a proponent to keeping recreation areas open for people to enjoy outdoor activities safely. She requested Manager Brown and Chair Lucey explore the possibility of holding a public meeting with experts available to address public concerns.

Commissioner Hartung agreed a public forum was needed but wondered who would be involved in the conversation. He thought that needed to be left to the discretion of Mr. Brown, the Chair, and the Vice Chair. He sympathized with the public's frustration as his family had also been affected by C19.

Vice Chair Berkbigler brought up County employees helping the WCSD with contact tracing and stressed the importance of reopening schools and determining who was being exposed. She admired the County's regional approach of helping community partners and the other jurisdictions whenever the need arose. She agreed people needed to express concerns and seek answers from professionals and County officials. She mentioned several people close to her had been affected by C19. She agreed there was a need to address commerce during this pandemic. She thought a panel of healthcare professionals and government officials from the County and the State should discuss the citizens' concerns. She did not believe a public hearing would help resolve the issue.

Chair Lucey admitted the public comments had been an eye-opener for the Board and he thanked the public for expressing their concerns. He said the County worked tirelessly over the past months to protect vulnerable citizens, businesses, school children, and churches. He asserted the Commissioners were members of the community and business owners, and they were trying to make the best decisions for the entire community. He emphasized every business was essential and admitted it was difficult to be a business owner during these times. He disputed a comment made about the County being the firewall between citizens and the State; the State was the decision maker and the Board worked with the State to uphold directives. Suicide and domestic violence were serious issues and he said the County was working with the State to address them; some individuals within the community, however, felt differently. The job of a Commissioner was to be balanced and just for everyone. He assured the public that the County was working to address concerns, although people felt situations were not being addressed. He stated resolutions would not happen overnight and everyone needed to work together for changes to occur. He brought up that people did not like wearing masks and social distancing, but those actions were necessary to stop the spread of C19. He admitted he wanted to visit his grandfather, but it was not worth placing his grandfather's life in jeopardy because people were dying from C19 exposure. He asked the public to be patient because divisiveness did not help the situation. He urged people to be considerate and humble, and understand that people were hurting. He apologized for people feeling as if their concerns were not being addressed, stating that Washoe County was working with regional partners on issues related to youth sports and small businesses. He explained the WCSD was responsible for youth sports, the Cities of Reno and Sparks oversaw small businesses in those jurisdictions, and the Health District was responsible for the health of the community.

20-0880 **AGENDA ITEM 5** Recognition of Washoe County employees receiving Safety Awards by the Safety Committee Chair, Deputy Melinda Vander-Heyden.

Deputy Gianna Gard, WCSO
Charles Robinson, Assessor

Chair Lucey acknowledged the two County employees who received Safety Awards from the Safety Committee. He recounted the stories of how Deputy Gianna Gard saved the life of another deputy who had been chocking, and how Charles Robinson identified an irregularity with a computer which allowed Technology Services to quarantine a computer virus before the County could be affected. He noted cybersecurity continued to be a serious concern. He thanked County employees for performing their work on a daily basis as well as taking on additional tasks when the need arose.

PROCLAMATIONS

20-0881 **6A** Proclaim the month of January 2021 as National Radon Action Month. Manager's Office. (All Commission Districts.)

Vice Chair Berkbigler said the County tried to raise awareness every year because levels of radon were high in northern Nevada. She read the Proclamation.

20-0882 **6B** Recognize the dedicated public service to Washoe County by Juvenile Services Director, Frank W. Cervantes as a result of his pending retirement on January 8, 2021. Manager's Office. (All Commission Districts.)

Chair Lucey said that, as the director of the Jan Evans Juvenile Justice Center (JEJJC), Mr. Cervantes worked tirelessly to ensure vulnerable youth in the community had an opportunity to change their path and improve their lives. He stated Mr. Cervantes would be greatly missed as a friend, colleague, and servant to the community. He read the Proclamation.

Using the Zoom app, Mr. Cervantes thanked Chair Lucey for the kind words. He said his public service had been a privilege. He had not anticipated he would have the opportunity to lead a dynamic juvenile justice organization such as the JEJJC when he began his career. He attributed his successes as director to the professional, committed, and truly client-centered staff at the JEJJC, which he believed to be a model of juvenile justice excellence. He stated the Board, the Manager's Office, and the Second Judicial Court provided leadership, resources, and support to juvenile services that had directly benefitted kids and families in the community. He thanked the Board for their support.

Chair Lucey expressed appreciation for Mr. Cervantes' dedication. He congratulated him for his service and wished him the best for his retirement. Commissioner Hartung added his thanks to Mr. Cervantes for his service, noting he would be sorely missed.

Commissioner Jung thanked Mr. Cervantes for his service. She commended public servants who were retiring from local government jobs for their dedication. She asserted that public service displayed the highest level of democratic values in American citizens. She congratulated Mr. Cervantes.

- 20-0883** **6C** Recognize the dedicated public service to Washoe County by Emergency Management Administrator Aaron R. Kenneston as a result of his pending retirement on January 4, 2021. Manager's Office. (All Commission Districts.)

Using the Zoom app, Assistant County Manager Kate Thomas said she had been fortunate to work with Aaron Kenneston during her three years with the County, and in her previous capacities with the City of Reno and the State of Nevada. She stated Mr. Kenneston's professionalism and dedication would be missed by everyone. She said Mr. Kenneston had worked to ensure the community was resilient and robust when responding to emergencies. During his tenure, he faced emergencies such as floods, wildfires, the Air Race crash, civil unrest, and the current COVID-19 (C19) pandemic. She mentioned Mr. Kenneston secured a regional trip for local leaders and first responders to attend the Federal Emergency Management Agency's Emergency Management Institute, although the trip was canceled because of C19. One of Mr. Kenneston's final accomplishments was making Washoe County one of the elite national leaders in emergency management by earning accreditation through the Emergency Management Accreditation Program. She thanked Mr. Kenneston for his service, noting he would be missed.

County Manager Eric Brown read the Proclamation.

Using the Zoom app, Mr. Kenneston said it had been an honor and pleasure to serve.

Vice Chair Berkbigler thanked Mr. Kenneston for everything he had done. She knew he would enjoy retirement and hoped to see him on the golf course.

Commissioner Jung praised Mr. Kenneston's approach to emergency management because he was always a calming influence. She noted Mr. Kenneston led the community through significant changes and major catastrophes. She knew that maintaining his calm demeanor had to take a toll, so she hoped he would truly enjoy his retirement. She assured him he had made a difference to the community, and she thanked him for his service.

Commissioner Hartung thanked Mr. Kenneston for his service to Washoe County. He extended wishes for a well-deserved retirement. Commissioner Herman said Mr. Kenneston should enjoy his retirement.

Chair Lucey agreed with the sentiments of the other Commissioners. He said working with Mr. Kenneston had been enjoyable and educational. As Commissioner Jung mentioned, Mr. Kenneston had a unique ability to instill calm in those around him

during some of the most intense and challenging situations. He said Mr. Kenneston set a very high standard, but he also trained his staff well. He wished him the best in his retirement.

- 20-0884** **6D** Recognize the dedicated public service to Washoe County by Commissioner Marsha Berkbigler as a result of her pending retirement on January 3, 2021. Manager's Office. (All Commission Districts.)

Chair Lucey mentioned Vice Chair Berkbigler's daughter Alicia Berkbigler was present in Chambers. The Manager's Office and the Board presented a video showcasing Vice Chair Berkbigler's service to Washoe County.

Chair Lucey said Vice Chair Berkbigler would be deeply missed. He read the Proclamation and presented it to the Vice Chair. He thanked her for everything she had done for the County and congratulated her on her retirement.

Commissioner Jung commended Vice Chair Berkbigler for her willingness to run for a political office during a very challenging time. She expressed admiration for Vice Chair Berkbigler's persistence, her compassionate approach to employee labor negotiations, and her commitment to excellence as a County. She stated the community would always be indebted to Vice Chair Berkbigler for everything she had done for the County.

Commissioner Hartung spoke about how he and Vice Chair Berkbigler met and he recounted a few milestones from her career. He expressed appreciation for her hard work, noting she had participated in many projects and experienced many triumphs. He said Vice Chair Berkbigler would be sorely missed.

Commissioner Herman said working with Vice Chair Berkbigler had been a pleasure. She thanked Vice Chair Berkbigler for the knowledge she imparted during her tenure, saying she would be missed.

Vice Chair Berkbigler said serving on the Board had been a pleasure.

Assistant District Attorney David Watts-Vial said working with and getting to know Vice Chair Berkbigler had been an honor and a privilege. He mentioned he and Vice Chair Berkbigler had many occasions to collaborate during the past year and he observed how hard she worked for her constituents, how tough she could be when she advocated for things she cared about, and that she was not afraid to make difficult decisions. He observed Vice Chair Berkbigler had the ability to take into account how a decision would impact people before she voted on issues. He agreed with Commissioner Jung's statement that it took a special person to make the move from being a member of the public to an elected official. He noted making decisions that would affect people's lives was difficult, but Vice Chair Berkbigler had done it well. He applauded her for serving as a leader for the County and wished her the best in her retirement.

Vice Chair Berkbigler said working with Mr. Watts-Vial had been educational.

Mr. Brown asked staff to play the tribute video again. Vice Chair Berkbigler stated she was looking forward to retirement.

On motion by Vice Chair Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Items 6A through 6D be adopted.

DONATIONS

- 20-0885** **7A1** Recommendation to: (1) acknowledge various items donated totaling an estimated market value of [\$475.00]; (2) accept donations and acknowledge various items donated to the joint Regional Transportation Commission (RTC) and Washoe County Human Services Agency Stuff a Bus event in support of children in foster care totaling an estimated market value of [\$10,780.00]; (3) accept donations from various donors to Washoe County Human Services Agency to support welfare activities in the amount of [\$1,220.00] retroactive for the period October 1, 2020 through November 20, 2020; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 20-0886** **7A2** Recommendation to accept a donation from the Grace Community Church of Reno, a non-profit religious organization, in the amount of [\$30,000] to provide "welcome kits" for every child and parent entering into the homeless family and maternity shelter on the Washoe County Human Services Agency's Our Place Campus; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 20-0887** **7A3** Recommendation to: (1) acknowledge various items donated totaling an estimated market value of [\$190.00]; and (2) accept donations to the Human Services Agency - Senior Services Fund to support operations of the Washoe County Senior Centers in the amount of [\$500.00] retroactive for the period October 1, 2020 through November 20, 2020; and direct the Comptroller to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 20-0888** **7B** Recommendation to accept a one-time donation of [\$280.00] from B.E.V. Catering LLC to the Washoe County Sheriff's Office to be used to support the Washoe County Honor Guard Unit, and if approved, authorize Comptroller's Office to make appropriate budget amendments. Sheriff. (All Commission Districts.)

Vice Chair Berkbigler read the donations. She said the County was blessed with citizens who cared enough to make donations. She noted Grace Community Church had been a marvelous community partner by donating money for the Our Place campus to help children, the underprivileged, and those with mental health issues. She stated County citizens made donations for a wide variety of services including senior services and the Sheriff's Office.

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Items 7A1 through 7B be accepted.

CONSENT AGENDA ITEMS – 8A1 THROUGH 8D

- 20-0889** **8A1** Approval of minutes for the Board of County Commissioners' regular meetings of November 10 and November 17, the Board of County Commissioners' special meeting of November 16, and the Board of County Commissioners' concurrent meeting of November 18. Clerk. (All Commission Districts.)
- 20-0890** **8A2** 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, and Annual Statements/Reports. Clerk. (All Commission Districts.)
- 20-0891** **8B** Recommendation to approve the subcontract between Community Resources for Justice, Inc and the District Attorney's Office and accept federal funding in the amount of [\$47,500; no match required], from the Bureau of Justice Assistance, Office of Justice Programs, Department of Justice to provide funding for a Coordinator to implement changes related to the adoption of Assembly Bill 236 (contracted through an approved temporary employment agency) retroactively from October 15, 2020 through October 14, 2021 and direct the Comptroller to make the necessary budget amendments and retroactively authorize the District Attorney or his designees to sign the subcontract. District Attorney (All commission districts)
- 20-0892** **8C1** Discussion and recommendation to appoint Emergency Management Program Coordinator Kelly Echeverria to the position of Emergency Management Administrator per Washoe County Code 65.310 and approve a 10% promotional salary adjustment due to the retirement of Aaron R. Kenneston effective January 4, 2021. Manager's Office. (All Commission Districts.)

- 20-0893** **8C2** Recommendation to approve subgrants of Coronavirus Aid, Relief, and Economic Security Act - Coronavirus Relief Fund (CARES), to twenty small businesses in unincorporated Washoe County, in the total amount of \$140,892, to support personal protective equipment, protective retrofits, and working capital; grant periods retroactive from August 1, 2020 through December 30, 2020, and if approved, retroactively authorize Assistant County Manager Dave Solaro to sign the Washoe County Subgrant Agreements; and approve the Resolution necessary for same. Manager's Office (All Commission Districts.)
- 20-0894** **8C3** Recommendation to approve a subgrant of Coronavirus Aid, Relief, and Economic Security Act - Coronavirus Relief Fund (CARES), to the Truckee Meadows Fire Protection District in an amount not to exceed \$45,000 to support COVID-19 testing and vaccines and to administer Flu vaccine PODS; grant period retroactive from July 1, 2020 through December 30, 2020, and if approved, authorize the County Manager to sign the Washoe County Subgrant Agreement between Washoe County and Truckee Meadows Fire Protection District; and approve the Resolution necessary for same. Manager's Office. (All Commission Districts.)
- 20-0895** **8D** Recommendation to approve increase in hours from 21 to 40 per week for the vacant part-time, benefited Human Services Caseworker III (0.53 FTE, pay grade II, Position # 70005875) to a full-time benefited Human Services Caseworker III (1.00 FTE) with a net fiscal impact of [\$54,067]; and if approved direct Human Resources to make the necessary adjustments. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 8A1 through 8D be approved. Any and all Resolutions pertinent to Consent Agenda Items 8A1 through 8D are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 12 THROUGH 16

- 20-0896** **AGENDA ITEM 12** Recommendation to acknowledge receipt of the Preliminary Report of Washoe County Local Government Coronavirus Relief Fund Expenditures for the period of March 1, 2020 through December 30, 2020. Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 12 be acknowledged.

20-0897 **AGENDA ITEM 13** Recommendation to approve a subgrant of Coronavirus Aid, Relief, and Economic Security Act - Coronavirus Relief Fund (CARES), to the City of Sparks in an amount not to exceed [\$421,099] for Washoe County's regional share of the investigation of SARS-CoV-2 presence in wastewater and community prevalence monitoring due to the COVID-19 pandemic; with a grant period retroactive from August 1, 2020 through December 30, 2020, and if approved, authorize the County Manager to sign the Washoe County Subgrant Agreement between Washoe County and the City of Sparks; and approve the Resolution necessary for same. Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 13 be approved and authorized.

20-0898 **AGENDA ITEM 14** Recommendation to accept the OVC FY 2020 Law Enforcement-Based Victim Specialist Program Purpose Area 2: Mid-sized Agencies award from the Department of Justice, Office for Victims of Crime [amount not to exceed \$397,309.00, no match required] to be used to pay for one FTE Victim Witness Advocate as evaluated by the Job Evaluation Committee (JEC), travel, food, operating expenses and victim services expenses for the retroactive grant period of October 1, 2020 - September 30, 2023, and if approved authorize Sheriff Balaam to execute grant award documents; direct Human Resources to create 1.0 FTE Victim Witness Advocate position direct Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 14 be accepted, authorized, and directed.

20-0899 **AGENDA ITEM 15** Recommendation to accept grant award from the Bureau of Justice Assistance (BJA) FY 20 DNA Capacity Enhancement and Backlog Reduction (CEBR) Program, Project No 2020-DN-BX-0064 [amount not to exceed \$465,032.00, No County match required], to cover costs related to the DNA backlog reduction and travel, for the retroactive grant term of October 1, 2020 through September 30, 2022 and if approved, authorize Sheriff Balaam to execute grant award documentation, and direct the Comptroller's Office to make the necessary budget amendments. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 15 be accepted, authorized, and directed.

- 20-0900** **AGENDA ITEM 16** Recommendation to approve the multi-year (FY21-FY25) the multi-year (FY21-FY25) Master Subscription Services Agreement for Proficio ProSOC Security Operations Center as a Service (SOCaaS), through ePlus, Inc., in an amount not to exceed [\$191,130.00] per year, and, if approved, authorize the Purchasing and Contracts Manager to execute the agreement. Technology Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 16 be approved and authorized.

- 20-0901** **AGENDA ITEM 17** 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.

And

Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 adopting a Development Agreement between (1) Washoe County and (2) Reno Christian Fellowship Inc., that the residential density or intensity of use shall not exceed twenty-five (25) units (2 du/ac) total, whether detached or attached on the property, on three parcels (049-153-10, 11 & 12). The term of the agreement is ten (10) years.

The project is located at the terminus of Zolezzi Lane and west of buildings at 1700 Zolezzi Lane. The project encompasses a total of 3 parcels that total approximately 12.55 acres. The parcels are located within the Southwest Truckee Meadows 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: 049-153-10, 11 & 12).

Set the public hearing and second reading of the Ordinance for January 12, 2021 and, if adopted, further authorize the Chair to execute the final Development Agreement. Community Services. (Commission District 2.)

Chair Lucey opened the public hearing.

Jan Galassini, County Clerk, read the title for Bill No. 1851.

The Chair stated the appellant would be allowed 10 minutes to provide a presentation.

Mr. Mike Railey from Christy Corporation, Ltd., representing Reno Christian Fellowship, conducted a PowerPoint presentation via Zoom, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Reno Christian Fellowship; Project Request; Project Location; Existing Conditions; Purpose; Zoning Considerations; Zoning Compatibility; Land Use Considerations; Future Project; Key Issues; Access; Traffic; Land Use Compatibility; Compatibility; Views; Land Values (2 slides); Spot Zoning; Area Plan Update; Response to Concerns; Facts vs. Rumors; Projects With Similar Lot Sizes; Area Plan and Master Plan (4 slides); Findings (3 slides); and Questions Answers.

Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles: Appeal WRZA20-0003 (Reno Christian Fellowship); Vicinity Map; Request; Development Agreement; Planning Commission Denial; Analysis (2 slides); Availability of Facilities (2 slides); CAB; Reviewing Agencies; and Possible Motion.

Commissioner Hartung wondered why there were so many non-conforming lots throughout the area plan in the south. The parcels were zoned low density suburban (LDS), but he thought they were actually LDS2. He brought up area plan issues that also existed in Spanish Springs and questioned the reason for so many non-conforming parcels. He recalled LDS zoning could contain two dwelling units per acre but required two half-acre parcels, not average lot sizes of two acres. Ms. Olander indicated the parcels Commissioner Hartung referred to were on Rock Haven Drive and were primarily half-acre lots. She explained the properties had been there since the 1970s and 1980s, and zoning classifications had changed over the years. She stated the current requirement for general rural was 40 acres; however, many properties in Spanish Springs were considered rural but were only five acres or more. She noted many different rural zones existed when zoning classifications were made, which were all converted to one general rural zoning category. She stated the parcels in the proposed areas were under the old classification and were converted to LDS zoning even though they did not conform with current requirements. Commissioner Hartung expressed frustration that zoning changes needed to be made instead of allowing consistency in one area.

Chair Lucey referred to the CAB slide from Ms. Olander's presentation and asked about the option of LDS2, even though he understood LDS2 was not allowable in the area plan. Ms. Olander confirmed LDS2 was not allowed in the Thomas Creek area plan but it was allowed in some other areas. Chair Lucey asked for clarification about the plan for the subject parcel. Ms. Olander corrected herself by stating it was in the Southwest Truckee Meadows Area Plan, and it fell under the Thomas Creek Suburban Character

Management, which did not allow LDS2. Chair Lucey wondered whether the only options were LDS or medium density suburban (MDS). Ms. Olander replied yes. Chair Lucey asked whether the request, even with the development agreement, was to allow three units per acre under MDS. Ms. Olander stated that was correct.

The following public comments were heard in Chambers via the Zoom app:

Mr. Steve Anderson stated he was a member of the Economic Development Authority of Western Nevada for 12 years. He expressed appreciation for the Commissioners and acknowledged Vice Chair Berkbigler for her service. He requested that the Board support the zone changes for Reno Christian Fellowship (RCF). He believed the request was reasonable and in line with the County plan. He stated funds from the project would be used to build a children's worship center on the church property. He noted RCF was helping the Washoe County School District by supplying laptops. He asserted this project would increase revenue for the County.

Mr. Lars Jensen remarked zoning was an essential factor when individuals purchased homes, and he did not believe zoning should be changed in the proposed area. He opined RCF was attempting to make a change in zoning status that had been in place for 50 years. He asked the Board whether the change was in the interest of the public, noting he did not hear anything in the presentation about public interest. He urged the Board to uphold the denial for zoning changes.

Mr. Matt Konopsis stated he owned property contiguous to the proposed site. He stated Mr. Railey did a good job of framing the narrative for LDS2 but the request was for three units per acre. A development agreement was not binding to the zoning change. He said Thomas Creek, even though it was non-conforming, was comprised of half-acre lots, not half acre zoning as inferred. He opined Commissioner Hartung was correct when he stated Rock Haven was comprised of true half-acre lots. He indicated the lots would be less than half an acre after taking roadways and open space into consideration. He believed comparing Southwest Vista, Somersett, or Lakeridge to the proposed project was unfair. He asserted the 18 parcels contiguous to the proposed site averaged just under one acre. He thought the presentation was subjective and he opposed changing the zoning.

Mr. Brent Brooks stated he was a senior pastor of RCF and he thanked the Board for agendizing this item. He explained the sale of the property would be used to fund a facility to minister to children and families. He stated RCF was committed to being a good neighbor, as it had been for a long time. He spoke about adjustments that were made to reduce the number of houses, which would reduce their profit by about \$1 million. He said the project would increase the value of homes in the community, provide housing, increase tax revenue for the County, and employ builders. He urged the Board to support the zoning change.

Mr. Robbie Bryan stated he had been part of this project from the beginning and was in support of the requested zoning change. Prior to the first citizen advisory board

(CAB) meeting, Mr. Bryan personally went door to door to inform neighboring property owners of the proposed zoning changes. He stated he went into homes, looked out windows, and discussed views from residents' front porches, yet the neighbors expressed concern that the density was too high even though it was compliant with the area master plan. He said the CAB's recommendation was to change to half-acre density; neighbors applauded the recommendation and thanked them. The zone change request had been adjusted and proposed to accommodate the concerns of the community and Chair Lucey. He indicated the adjustments reduced the value of the land by approximately \$1 million. He asserted RCF gave 10 percent of the money they took in every year to address social justice issues, host an annual truck or treat event, host family events, and provide parenting classes. He stated RCF was one of the first churches to shut down prior to mandates at the start of COVID-19. He urged the Board to support the zoning changes.

Mr. Adam Auerbach stated he was the property owner of two parcels located behind the RCF parcels, but he had never met Mr. Bryan. Citing an email he sent to Ms. Olander regarding rezoning of the RCF project, he wondered whether he could get his zoning changed if this request was approved. Ms. Olander had responded that was possible. He opined changing the zoning could create a situation that would allow property owners to subdivide parcels and increase the density of the area. He asked the Board to deny the zoning changes.

Ms. Kelsie Culbertson stated she attended RCF and expressed support for the zoning changes. She admired the programs RCF provided in the community and wondered why the community was not supportive of the zoning changes. She asserted RCF was extremely involved in the community, and the sale of the property would allow them to provide a safe and healthy place for more community involvement. She urged the Board to consider the rezoning for the RCF property.

Mr. Hal Craddock mentioned a comment Commissioner Hartung made about setting a precedent and Mr. Craddock thought this was not good for the community. He said the request for one-third acre parcels would be lessened once open space, streets, and sidewalks were considered. He stated LDS2 zoning would be more compatible but said MDS zoning was not compatible with one-third acre parcels. Regarding comments made about Southwest Vistas' lots ranging from .344 to .444 acres, he noted the lots east and west of Albuquerque Street combined were 22.14 acres, or a density of .568 acres per home including open space and streets. He stated he did not receive a visit from Mr. Bryan. He opposed the zone change and asserted it would create a bad precedent.

Dr. Gerald Lent stated he had lived in the Southwest Vistas area since 1988 and was opposed to the zone change due to the land usage being inappropriate. The zone change request had been denied and he opined the Board should support the decision of the Planning Commission and the 350 residents who opposed the proposal. He asserted the development agreement included with the agenda was different from Mr. Railey's presentation. He wanted the development agreement reviewed for inconsistencies.

Ms. Cheryl Jordan indicated her property bordered the RCF property and she did not receive a visit from anyone about the zoning change. She opined the issue was not about the church and its charity, but about the zoning change. She asserted the only people supporting the zoning change were not residents but part of the church, and she pointed out the change had already been denied twice. She thought smaller lot sizes meant new homes would have two stories in order to increase square footage. She asked the Board to do the right thing for the residents and deny the appeal.

Mr. Alonzo Durham expressed support for the proposed zoning changes. He explained RCF had been a staple in the community, especially in the lives of youths. RCF had worked hard to comply with zoning and they would lose more than \$1 million with the changes, but they agreed because they cared about the community. He urged the Commissioners to vote in favor of the zoning change.

Ms. Ellen Shaw stated the north boundary of the RCF property was her back yard and this came down to quality of life. She agreed RCF did great things in the community and indicated the objections were not against the church. She wondered why the agreement was not being written as LDS2 instead of MDS3. She thought changing the request to LDS2 would change nothing except the security of not having multiple densities in an LDS area.

Ms. Caitlin Evans stated RCF had been wonderful for her family and they demonstrated care for the community. She spoke about the programs RCF provided to families. She thought the project would improve the neighborhood with quality homes on sizable lots. The land sale would provide the ability for RCF to grow and enable them to serve more families in the community. She asked the Board to approve the zoning change.

Ms. Kathy Clewett congratulated Vice Chair Berkbigler on her retirement. Ms. Clewett stated she was a homeowner in the neighborhood where RCF was requesting zoning changes. She opined this item should be a first reading for approval since the Planning Commission was only allowed to make a recommendation on a regulatory zone amendment. She believed the County would appreciate RCF paying property taxes which they had not paid during the time they owned the property. She thought this was not the right thing for the neighborhood and, based on the proposed map, the parcels would not be on half-acre lots after infrastructure was built.

Ms. Linda Schneider-Erber explained her property was next to RCF's property and it was on a .773-acre parcel. She mentioned parcels around the RCF property were all larger than the proposed lot sizes. She asserted the neighborhood did not oppose the church or what they did, they opposed the zoning change. She explained the reason she moved to the Southwest Vistas was for the open space. She asserted RCF should adhere to the zoning of LDS if they truly wanted to be good neighbors. The CAB recommended the project be denied and more than 350 people who lived in the neighborhood opposed the zoning change. She asked for the zoning to remain LDS.

Mr. Ken Greene asserted the proposed number of houses could not mathematically fit with half-acre parcels. He stated RCF did great things for the community, but their proposed zoning would be inconsistent with existing zoning. He compared this project to the Pine Bluff development where larger parcels were proposed to incorporate with smaller parcels. He thought the price point was high considering the parcel size. LDS was intended to create and preserve areas for single family detached homes on one-acre lots with a minimum lot size of 17,500 square feet. Every existing parcel met that requirement and this change would be considered spot zoning. He urged the Board to deny the application.

Ms. Lisa Mitchel stated her property backed up to the subject property, and she expressed concern about the property being purchased exclusively for the views. She indicated she was not opposing the RCF building, she was opposed to the zoning change to MDS. She feared two-story homes would be built, obstructing her views. She predicted they would have to build two story homes based on lot sizes, and that would impede views and reduce the value of her home. She opined the sale of the property at LDS zoning would still allow RCF to generate enough revenue to continue their great work in the community. She asked the Board to deny the zoning change to MDS.

Mr. Steve Erger indicated his property backed up to the subject property. He stated he opposed spot zoning, fearing his views would be blocked by two-story homes. He remarked houses could be built on the proposed property, but he wanted the zoning to remain the same as the surrounding parcels. He added privacy would be an issue and expressed concern that people would look down into his parcel. He stated flooding had been an issue in the past and he was afraid additional homes could increase the risk. He indicated flooding had not been addressed in the development plan. He was unsure whether the legal limit of houses that could be built would be enforced, but quality homes could be built on the existing lot sizes, he opined. He opposed the zoning change and asked the Board to deny the request.

Mr. Mike Jordan stated he strongly opposed any change in the existing LDS zoning. He explained RCF had been gifted the property many years ago and had done nothing with it; they would make 100 percent profit if they developed it with the current zoning. He noted that 12 quality homes would be an asset to the community, but questioned the compelling need to double the amount of homes on this parcel. He asked how changing the zoning from LDS to MDS served the public good.

Ms. Galassini indicated 193 individual comments were received via email in support of the proposed project, as was a petition containing 353 signatures opposing the rezoning; these would be placed on record.

Chair Lucey closed the public hearing.

Chair Lucey said he generally supported development and growth in the County. He acknowledged RCF had done many good things for the community, but that did not dictate what actions should be taken for zoning on a piece of property. Quality of

life and views were not solid reasons for making the decision related to denying or supporting a project. He summarized the proposed agreement was for a change in the regularity zone from LDS, which allowed one dwelling unit per acre, to MDS, which allowed three dwelling units per acre. The development agreement was for 25 homes on 12.5 acres, but that did not include roads, right of ways, and common areas. These features would result in the parcels having less than a half-acre per dwelling unit. He explained he could not support a zoning change based upon the math of the lot sizes. He said the County was working on updating master plans and area plans, but the area plan for the project was still in effect. He could not support creating a precedent on an approval that did not fit with the plan. He asserted the roundabout needed to be reworked to accommodate ingress and egress.

Commissioner Hartung echoed many of Chair Lucey's comments. He said nobody questioned RCF's commitment to the community; this item concerned a land use change and discussion of a zoning change. He was under the impression that staff would update area plans and address non-conforming parcels. He brought up a property owner in Spanish Springs who wanted to divide her 20-acre parcel into two 10-acre parcels but was unable to do so because of the general rural zoning. He was vexed to learn how many plans in the region contained non-conforming parcels. He asked for the appellant to reach 21,780 square feet per parcel including infrastructure, which would be considered LDS.

On motion by Chair Lucey, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered that the Board deny the appeal and affirm the decision of the Planning Commission to deny Regulatory Zone Case #WRZ20-0003 (Reno Christian Fellowship). The denial is based on the inability to make the findings required by Section 110.810.30, findings.

20-0902 AGENDA ITEM 18 Public Comment.

There was no response to the call for public comment.

20-0903 AGENDA ITEM19 Announcements/Reports.

Commissioner Jung reminded everyone that the way to get through difficult times was to work together. She and the other Commissioners extended happy holiday wishes to the citizens of Washoe County.

Chair Lucey thanked the Commissioners for their participation in the lengthy meeting. He acknowledged many people were upset when they left the meeting. He said the Commissioners had a difficult job and he thought they deserved a commendation for their willingness to assume their roles. He wished Vice Chair Berkbigler well in her retirement.

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5:34 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

JANIS GALASSINI, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Carolina Stickley and Doni Gassaway, Deputy County Clerks*