

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

TUESDAY

10:00 A.M.

MARCH 9, 2021

PRESENT:

Bob Lucey, Chair
Vaughn Hartung, Vice Chair
Alexis Hill, Commissioner
Kitty Jung, Commissioner (via telephone)
Jeanne Herman, Commissioner

Janis Galassini, County Clerk
Eric Brown, County Manager
David Watts-Vial, Assistant District Attorney

The Washoe County Board of Commissioners convened at 10:01 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:

21-0159 AGENDA ITEM 3 Public Comment.

Mr. Paul White spoke about deteriorating conditions in the downtown area and expressed frustration regarding the Commissioners' lack of response to his previous request for referrals of homeless individuals who were willing to work towards becoming sober and employed.

Mr. Roger Edwards expressed support of Mr. White's initiative. He commented about suspected voter fraud complaints and the importance of legitimate elections. He requested the Board support an investigation of the 2020 general election results.

Ms. Darla Lee echoed Mr. Edwards' comments. She expressed frustration regarding the metal detectors outside the Commission Chambers, the closure of the Nevada State Legislature to the public, and perceived threats to citizens' first amendment rights. She spoke in support of Commissioner Herman's previous request to discuss making Washoe County a second amendment sanctuary.

Ms. Barb Mathers spoke out against Governor Steve Sisolak's COVID-19 (C19) response, mask mandates throughout the State, business and school capacity limits, and the C19 vaccine. She discussed how limiting school operations affected children, and she opined Nevada should be reopened.

Mr. George Lee spoke in support of Mr. White's comments about homelessness and expressed frustration about some individuals' lack of interest in achieving sobriety. He likened the approval of tiny housing projects in Washoe County to failed homelessness programs in New York and Chicago, opined those who broke the law should be arrested, and shared concerns that homelessness in the area would worsen over the upcoming summer.

A speaker identifying herself as Dodie spoke in opposition to Senate Bill 111, opining citizens should be allowed to elect the individuals who filled roles on various community boards and commissions.

Via the Zoom app, Ms. Jamie Golden disagreed that the mobility hub proposed for a former elementary school site in Incline Village was the highest and best possible use for the property, citing concerns with the location and potential increases in traffic. She requested the Commissioners consider another recently submitted offer to purchase and develop the site as a town center, which she felt would be more appropriate for the community.

Via Zoom, Ms. Judith Miller spoke in support of Ms. Golden's request. Ms. Miller expressed frustration regarding short-term rentals (STRs) in Incline Village and the challenges that came along with them, including a reduction in affordable housing, a lack of parking, and degradation of the neighborhood.

Via Zoom, Mr. Nicholas St. Jon supported requests for an audit of voter records as well as a discussion on the possibility of Washoe County becoming a second amendment sanctuary. He opined STR restrictions should not be applied uniformly throughout the entire County as Incline Village had unique challenges and a one-size-fits-all solution would not be appropriate. He spoke about free enterprise, capitalism, and citizens' rights to own businesses and do what they wished with their property within reason.

Via Zoom, Ms. Sara Schmitz expressed frustration regarding communication between residents and local leadership. She hoped for improvements in the working relationship between Washoe County and the citizens of Incline Village and Crystal Bay. She expressed concern that a mobility hub at the old elementary school site in Incline Village would not resolve the area's traffic problems, and she hoped Commissioners would make adjustments to the proposed STR policies before its second reading.

21-0160 **AGENDA ITEM 4** Announcements/Reports.

Commissioner Hill requested information from staff regarding the next anticipated federal COVID-19 (C19) relief package and any projects Washoe County hoped to use those funds for.

Vice Chair Hartung said he and Assistant County Manager Dave Solaro had discussed the need for a four-way stop sign at an intersection where accidents were frequently occurring, and he hoped this could be installed before spring. He noted he had spoken with County Manager Eric Brown to learn more about the process of removing deceased individuals from the County's voter rolls; the Vice Chair expressed a desire to test the system to be sure the processes were accurate.

Vice Chair Hartung appreciated Mr. White's offer to work with homeless individuals who were sober and willing to become employed but indicated those individuals were likely already being processed through the system. Vice Chair Hartung had no problem providing housing for homeless individuals, but he felt they needed to be in some type of program, such as Sober24 or Crossroads; he wanted to hear from staff how that might be accomplished. He expressed interest in receiving key metrics, including how long these individuals had been in the County's system and what sort of success rates they had.

Commissioner Herman thanked the public commenters and expressed appreciation for their feedback.

Commissioner Jung wanted to know whether death certificate data was downloaded digitally by the Registrar of Voters. She indicated she would support funding for a project to enable automatic removal of deceased voters from voter rolls if this was not already being done. She felt it was important that the County do everything it could to demonstrate to the public that its elections were fair and efficient. She suspected Mr. Brown might have scheduled this discussion for a future agenda.

Chair Lucey requested Mr. Solaro bring back more information at a future meeting regarding the utilization of park funds to purchase the property at the old Incline Village elementary school site. The Chair said he would speak about Senate Bill 111 during Agenda Item 14. He discussed a recent head-on collision on Mount Rose Highway and the challenges with traffic management, lighting, and signals in that area. He said there were also serious issues on Pyramid Highway as well as in Warm Springs and Cold Springs, and discussion was needed. He wanted to know whether there were any current studies or updates from the Nevada Department of Transportation (NDOT).

Vice Chair Hartung stated the problems on Mount Rose and Pyramid Highways were discussed at every Regional Transportation Commission meeting, but perhaps conversations with NDOT engineers were needed. Some intersections on Pyramid Highway were slated for light installation, but it would not be enough; more needed to be done to improve safety in problematic areas. Chair Lucey requested this discussion be added to a future agenda.

21-0161 **AGENDA ITEM 5** Appearance and discussion by Ken Collum, District Manager, Carson City District of Bureau of Land Management to discuss camping on public lands that interface with urban lands and recreational shooting options in North Valleys.

Carson City Bureau of Land Management (BLM) District Manager Ken Collum introduced Supervisory Law Enforcement Officer Logan Briscoe. Mr. Briscoe conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Urban Interface Management Issues; Management Priority 1: Transient Camps; Management Priority 2: Moon Rocks; Management Priority 3: Target Shooting; Management Priority 4: Abandoned Vehicles; Management Priority 5: Trash Dumping; Priority 1: Transient Camps; Core Issue (5 slides); Transient Camps: Partnership and Collaboration; Management Priority 2: Moon Rocks OHV Area; Core Issue (3 slides); Moon Rocks - Partnership and Collaboration; Management Priority 3: Target Shooting; and Target Shooting: Core Issues.

Mr. Briscoe recapped the five top-priority issues: transient camps on public lands, large groups using the Moon Rocks recreational area, target shooting and the lack of safe shooting areas for the public, abandoned vehicles, and illegal trash dumping on public lands. Certain public land areas had been identified based on patterns of increased transient camping and related public health concerns, including littering and the illegal dumping of blackwater; these identified areas were slated to close April 1, 2021 for resource protection, public health, and safety. He thanked several partner groups who worked with Washoe County and BLM staff to help clean up illegal dump sites. He discussed the limited resources for patrol, noting there was only one ranger available for the entire county.

Mr. Briscoe spoke about attempts to connect homeless individuals with community resources during transient campsite cleanups. He welcomed suggestions to help address the growing problem and explained there would be a period of public education and outreach to notify those camping illegally of the impending public land closures.

Mr. Briscoe discussed the increases in recreational usage of the Moon Rocks area and the use of grant funding to increase resources and infrastructure in that area. He reviewed public safety goals and rules that would be implemented to keep the area safely open for increased usage by members of the public. He noted a partnership with the Washoe County Sheriff's Office (WCSO) would target underage drinking parties in the area and increase patrols on busy weekends.

Target shooting was the BLM's next large project, Mr. Briscoe continued. He recognized the public's legal right to safely use BLM lands for target shooting activities in accordance with state and federal laws. He discussed shooting that was occurring in congested areas or too close to dwellings, as well as the associated fire dangers and hazardous waste challenges presented by 'trigger trash' cleanup. Public opinion was that the current shooting area on Pyramid Way was too far to travel for many residents, and

expansion and creation of new public shooting ranges was needed in other parts of the County.

Vice Chair Hartung asked whether anyone had investigated the cost of a potential program to collect and salvage junk vehicles, which could provide an alternative to illegal dumping on public lands. He understood many abandoned vehicles were stolen, which was a separate challenge, but he wondered if such a program could help reduce the growing cost of addressing vehicles abandoned on public lands.

Because Nevada did not require titles to be submitted to the Department of Motor Vehicles during vehicle sales, Mr. Briscoe responded, there were times when the most recent documented registered owner had not actually owned the vehicle for several years, nor did they have the vehicle's title or remember who it had been sold to. Without titles, vehicles could not legally be taken to a recycler or salvage yard, and such vehicles were the ones that tended to end up on public lands. Officials continued to search for and consider new solutions.

Vice Chair Hartung spoke regarding the arduous process of requesting approval to develop shooting ranges for Washoe County on BLM land. He recalled an instance where investors ready and willing to purchase BLM land to build a racetrack were eventually told the deal could be expedited, and still it could take between 10 and 15 years. The Vice Chair indicated this type of timeline was the opposite of expeditious. He wondered whether there was a way to speed up the process for the County's desperately needed shooting ranges.

Mr. Collum indicated working with Congress might be the fastest way to obtain the needed land, as the BLM would essentially be removed from the process, and passing legislation could result in a quick land transfer. He acknowledged it did often take several years to accomplish land transfers through the BLM any other way. He suggested a 99-year lease could be another option through which the County might be able to more quickly open and operate shooting ranges on BLM land.

Vice Chair Hartung recalled a similar 99-year lease had been utilized for Golden Eagle Park. Mr. Collum noted discussions regarding potential development of new shooting ranges on BLM land had begun last fall, and he offered to work further with County representatives and other interested parties to come up with a larger plan which considered the urban interface and ways to best serve the public. Vice Chair Hartung said he understood that a lands bill could be a key option, and he thanked Mr. Collum for his work on the issue.

Commissioner Herman said it had taken a long time to get BLM representatives on the agenda and she expressed appreciation for their hard work in helping locate suitable properties for potential shooting ranges. She hoped new shooting ranges could be developed, saying it would solve many problems for both the BLM and Washoe County. She attributed the degradation of public lands to the lack of available shooting ranges for residents.

Commissioner Jung thanked the Chair and the BLM representatives for the presentation. She felt it was important to be cautious about statements regarding which public land users were desirable versus undesirable; though some were staying longer than the allowed timeframe, individuals without housing had a right to use public lands within the scope of the law. She expressed concern regarding the growing population of adult residents in the County with no or minimal income who had to survive by living in their vehicles or living nomadic lifestyles. She felt it was important to preserve the rights of citizens and taxpayers to lawfully enjoy the region's public lands.

Chair Lucey asked whether there continued to be problems with the wild horse population. Mr. Collum responded gathers were still being conducted based on the wild horse population; the region was earmarked for a population of 11,000 wild horses but currently had more than 50,000 in the area, and staff was far from being caught up. Sterility control was now being considered as resources were being damaged. Public health and safety issues were growing along with the wild horse population, but there was no good solution for this difficult situation.

Chair Lucey understood wild horses were frequently coming closer to the southeast connector and to the Hidden Valley area due to scarcity of water, causing an increase in accidents. He said the County would continue to work with the BLM to find solutions. He wondered whether adding a standing monthly or quarterly agenda item for BLM updates, as well as similar updates from the WCSO, might also be helpful.

CONSENT AGENDA ITEMS – 6A1 THROUGH 6G

- 21-0162** **6A1** Approval of minutes for the Board of County Commissioners' special meetings of January 13, 2021 and January 20, 2021. Clerk. (All Commission Districts.)
- 21-0163** **6A2** Approval of minutes for the Board of County Commissioners' regular meeting of January 26, 2021. Clerk. (All Commission Districts.)
- 21-0164** **6B** Recommendation to: 1) approve a request for Washoe County sponsorship of the 2021 Artown Festival; 2) waive park facility rental and use fees [\$66,340] in consideration of Washoe County being recognized as a Sponsor; and 3) approve an Agreement with Artown for the Artown Festival 2021 events to be held at Rancho San Rafael Regional Park, July 1-31, 2021. Community Services. (Commission District 3.)
- 21-0165** **6C** Recommendation to approve budget amendments totaling an increase of \$91,992.00 in revenue and expense to the FY21 Public Health Preparedness Carry Forward Grant Program retroactive to July 1, 2020 and if approved, direct the Comptroller's office to make the appropriate budget amendments. Health District. (All Commission Districts.)

- 21-0166** **6D1** Recommendation to approve adjustments to the current salary schedules for non-represented Seasonal job classifications within the Community Services Department to coincide with hiring efforts effective February 1 of each fiscal year beginning in FY 20/21 and ending in FY 24/25 and the County-wide Public Service Intern job classification effective July 1 of each fiscal year beginning in FY 21/22 and ending in FY 24/25 as listed under Fiscal Impact, as a result of State mandated minimum wage increases; eliminate unused or obsolete job classifications as listed in Attachment C; and authorize Human Resources to make the necessary changes. [No fiscal impact] Human Resources. (All Commission Districts.)
- 21-0167** **6D2** Recommendation to approve amending Section 8.1 of the Washoe County Omnibus Budget Reconciliation Act (OBRA) Deferred Compensation Plan Document to reflect that if no beneficiary designation is in effect upon the Participant’s death, the payment of the account, if any, payable under the Plan shall be made to the Participant’s Surviving Spouse; and if approved, authorize Director of Human Resources/Labor Relations to execute same. [No fiscal impact.] Human Resources. (All Commission Districts.)
- 21-0168** **6E1** Recommendation to approve an increase to the reimbursement rates for cremations, burials, and burial plots for indigent persons provided by Washoe County funeral homes, mortuaries, and cemeteries retroactive to March 1, 2021. Human Services Agency. (All Commission Districts.)
- 21-0169** **6E2** Recommendation to accept a FY21 sub-grant award from the State of Nevada, Department of Health and Human Services, Division of Public and Behavioral Health (DPBH) in the amount of [\$135,212; no county match] retroactive from October 1, 2020 to September 30, 2021 to support the position and activities of the Regional Behavioral Health Coordinator; authorize the Director of the Human Services Agency to execute the grant award documents; and direct the Comptroller’s Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 21-0170** **6E3** Recommendation to approve Fourth Amendment to the Child Welfare Collaborative Agreement with Casey Family Programs, in the amount of [\$65,000; no County match] retroactive from January 1, 2021 through December 31, 2021 to facilitate family reunification and permanency for children and reduce foster care reentries; authorize the Director of Human Services Agency to retroactively execute Agreement documents; and direct the Comptroller’s Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 21-0171** **6E4** Recommendation to accept a second Continuum of Care - Permanent Supportive Housing Program Grant from the United States Department of

Housing and Urban Development (HUD), in the amount of [\$102,650; \$25,663 county match] to provide housing and supportive services for homeless families retroactive for the period February 1, 2021 through January 31, 2022; authorize the Director of the Human Services Agency to retroactively execute the agreement; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

21-0172 **6E5** Recommendation to accept the Continuum of Care - Transitional Age Youth Program Grant from the United States Department of Housing and Urban Development (HUD), in the amount of [\$33,648; \$8,412 county match] to provide housing and supportive services for homeless youth age 18-24 and/or youth aging out of the foster care system retroactive for the period of February 1, 2021 through January 31, 2022; authorize the Director of the Human Services Agency to retroactively execute the grant agreement; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

21-0173 **6F** Recommendation to approve the reclassification of a vacant Investigator II position, pay grade LM, to a Deputy Public Defender III, pay grade T, and underfill at pay grade O; and authorize Human Resources to make the necessary changes. [Net fiscal impact is estimated at \$1,074 in savings.] Public Defender. (All Commission Districts.)

21-0174 **6G** Recommendation to approve a Partnership Agreement between Greater Nevada Credit Union and Washoe County with the Washoe County Sheriff's Office (WCSO) whereas, Greater Nevada Credit Union will provide a financial wellness program dedicated to serve Inmate Youth program participants, Inmate Veterans Program participants, and Washoe County employees, with Washoe County Sheriff's Office being the Pilot Office for Washoe County, and to accept the in-kind donation of services [estimated value of \$39,000.00] and cash sponsorship donation of [\$2,500.00] for use by the Washoe County Sheriff's Office, and if approved, direct Sheriff Balaam to execute Agreement and direct Comptroller's Office to make necessary budget amendments. Sheriff's Office. (All Commission Districts.)

Commissioner Hill commended the Washoe County Sheriff's Office regarding the financial wellness partnership for inmates, saying it was an important and exciting program.

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

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

BLOCK VOTE – AGENDA ITEMS 7, 8, 9, 10, 11, 13 and 15

Vice Chair Hartung stated Washoe County Sheriff's Office Captain Marc Bello was available on the Zoom app to answer questions if needed.

21-0175 **AGENDA ITEM 7** Recommendation to approve a construction change order for the South Truckee Meadows Water Reclamation Facility 2020 Expansion Project which re-allocates duties and \$688,353.40 in associated costs agreed to in Guaranteed Maximum Price Agreement #1 to Guaranteed Maximum Price Agreement #2, which will increase the GMP #2 contract amount in excess of 5% for a total contract amount for GMP #2 to \$3,437,676.40, but which will not result in an increase in total Project costs. Community Services. (Commission District 2.)

There was no response to the call for public comment.

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

21-0176 **AGENDA ITEM 8** Recommendation that the Board of County Commissioners move to approve the award of the Washoe County's Independent Audit Services to BDO USA, LLP for an initial contract period of two (2) years effective March 2021 for fiscal years ending 2021 and 2022. If approved, staff will submit the notification of award to the Nevada Department of Taxation by March 31, 2021. Comptroller. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 8 be approved.

21-0177 **AGENDA ITEM 9** Recommendation to approve a seventeen-month Subrecipient Agreement with Board of Regents, Nevada System of Education on behalf of University of Nevada, Reno Early Head Start to provide follow-up services to infants, families and caregivers with Comprehensive Addiction and Recovery Act (CARA) Plans of Care within Human Services Agency in an amount not to exceed [\$150,700] retroactive February 1, 2021 through June 30, 2022; and if approved, authorize the Director of the Human Services Agency to execute the Agreement and approve the Resolution necessary for same. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 9 be approved and authorized. The Resolution for same is attached hereto and made a part of the minutes thereof.

21-0178 **AGENDA ITEM 10** Recommendation to approve Amendment #1 to the current Interlocal Contract Between Public Agencies between the State of Nevada Department of Health and Human Services Health Care Financing and Policy and Welfare and Supportive Services Divisions and Washoe County to maintain the County Match Program, under Title XIX of the Social Security Act, assistance to individuals in long term care facilities amending the total contract amount not to exceed [\$12,772,750.14]; and authorize the Purchasing and Contracts Manager to execute the amendment. Human Services Agency. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 10 be approved and authorized. The Interlocal Contract Amendment for same is attached hereto and made a part of the minutes thereof.

21-0179 **AGENDA ITEM 11** Recommendation to accept two Notice of Subgrant Awards from the State of Nevada Aging and Disability Services Division for the following Older Americans Act Title III Programs: (1) Congregate Meals [\$312,180; match of \$19,786] retroactive from October 1, 2020 through September 30, 2021; and (2) Home Delivered Meals [\$796,215.56; match \$79,362] retroactive from October 1, 2020 through September 30, 2021; authorize the Director of the Human Services Agency to execute the subgrant awards and related documents; and direct the Comptroller to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

Commissioner Hill expressed appreciation for the meal program mentioned in Agenda Item 11, which provided home-delivered food for vulnerable residents during the pandemic.

There was no response to the call for public comment.

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

21-0180 **AGENDA ITEM 13** Recommendation to approve cross-fund, cross-functional budget appropriation transfers [not to exceed \$495,000] on as needed basis, to the Indigent Fund from the General Fund and direct the Comptroller's Office to make the necessary budget appropriation transfers. Net impact is zero. Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

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

21-0181 **AGENDA ITEM 15** Recommendation to approve the Cooperative Agreement between the Bureau of Indian Affairs - Office of Justice Services Division of Corrections - District III and the Washoe County Adult Detention Reno, Nevada to house federal adult prisoners at the Washoe County Sheriff's Office Detention Facility at the current rate of \$109 per inmate per day retroactively for the period of July 1, 2020 to June 30, 2025. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 15 be approved.

21-0182 **AGENDA ITEM 12** Recommendation to approve and execute an ordinance consenting and agreeing to be bound by the provisions of the Authority's Resolution Authorizing the Issuance of the General Obligation (Limited Tax) Reno-Sparks Convention & Visitors Authority Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2021 in the Maximum Principal Amount of \$70,000,000; ratifying action taken, approving and confirming action to be taken in the Authority's financing and in the imposition, collection and assignment of Room Taxes and the pledge of such taxes to the bonds; prescribing other details in connection herewith; and providing for its adoption as if an emergency exists and the effective date thereof. Manager's Office. (All Commission Districts.)

Chair Lucey stated Agenda Item 12 required a supermajority vote to be approved, and it concerned the refunding of bonds for the Reno-Sparks Convention and Visitors Authority (RSCVA) to secure capital assets, such as the Convention Center, portions of the local bowling stadium, and the Livestock Events Center. Approval would allow the RSCVA to take advantage of special interest rates available to Washoe County. The Chair stated the RSCVA Board had voted unanimously in support of the ordinance.

Jan Galassini, County Clerk, read the title for Ordinance No. 1664, Bill No. 1855.

Commissioner Jung discussed the importance of providing this fiscal courtesy to other agencies in the region and inquired about the type of funds in question.

Via the Zoom app, John Peterson, Vice President of JNA Consulting, responded the funds would be general obligation funds secured by revenues, including the general room tax received by the RSCVA and Convention Center revenues.

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that Ordinance No. 1664, Bill No. 1855, be adopted, approved, and published in accordance with NRS 244.100, with an effective date of March 19, 2021. The Resolution for same is attached hereto and made a part of the minutes thereof.

21-0183 **AGENDA ITEM 14** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County, Truckee Meadows Fire Protection District, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager's Office. (All Commission Districts.)

Chair Lucey explained the purpose of the legislative update. He explained the Board had directed staff to support Assembly Bill (AB) numbers 1, 3, and 33. Human Services Director Amber Howell had testified regarding AB 33, and there had been many questions about and challenges regarding Senate Bill (SB) 111, concerning the composition of the School Boards of Trustees in Washoe and Clark Counties based on the number of enrolled students. SB 111 had been added to Washoe County's watch list but had not yet been scheduled. AB 196, concerning the provision of lactation rooms in public courthouses, was supported by Washoe County. The Chair noted there were also several upcoming presentations to be heard by the Nevada State Legislature, as well as more hearings scheduled for the following week.

Vice Chair Hartung voiced support for AB 196, with Chair Lucey in concurrence. The Chair explained lactation rooms were already available in Washoe County's courts, and he expressed appreciation for the staff members who had the foresight to plan the buildings with these needs in mind.

Commissioner Jung wanted to know the sponsor of SB 111; Chair Lucey believed the bill had been sponsored by Senator Ben Kieckhefer. Commissioner Jung requested information from staff regarding the bill's history and intended purpose. She indicated she did not like taking away any voter's ability to choose their represented officials whenever possible, and the appointment-only process for certain vacancies, in her experience, could be very political. She admitted it was possible there was a need for this

type of appointment on the local school board, but she could not take a position without more information.

Vice Chair Hartung expressed agreement, also wondering about the intended purpose of the bill. Chair Lucey said the bill as drafted would allow the Board of County Commissioners and the Cities of Reno and Sparks to each appoint one member; the remaining positions would be at-large races. He felt Governor Steve Sisolak might be well-informed regarding the needs of the communities in southern Nevada, but northern Nevada was very different.

Vice Chair Hartung proposed a motion to support AB 196 as drafted. Commissioner Jung expressed appreciation for his support of the bill. Vice Chair Hartung recalled his wife's pregnancy and the birth of his daughter as some of the best times of his life, and stated he was more than happy to support these essential measures.

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which motion duly carried on a 5-0 vote, it was ordered that staff be directed to support AB196 as drafted.

21-0184 **AGENDA ITEM 16** Public hearing: Appeal of the Washoe County Planning Commission's approval of: 1. Tentative Subdivision Map Case Number WTM20-005 (Woodland Village) to allow the subdivision of an 8.6 acre property into 111 attached residential lots; and 2. Special Use Permit Case Number WSUP20-0021 (Woodland Village) to allow the use of single family, attached residential units per Table 110.302.05.1; to allow up to 14 dwelling units per acre in accordance with Cold Springs Area Plan policy CS.2.2.2; to decrease the front setback to 8 feet and the rear and side setbacks to 0-feet; to decrease the minimum lot width to 16 feet; and to decrease the minimum lot size to 800 sq. ft. The applicant for the tentative subdivision map and special use permit is WWC Commercial LLC, owner of 18400 Village Pkwy. (APN: 556-390-14 & 556-390-05). There are two appellants: (1) Derek Schoepf, a resident of Cold Springs, and (2) the applicant, *WWC Commercial LLC, represented by Garrett Gordon, Esq. The Board of County Commissioners (Board) may affirm, reverse or modify the decision of the Planning Commission. The Board's analysis may also include a finding on the issue of standing to bring the appeal in the first place. If the Board modifies or reverses, it may remand the matter back to the Planning Commission with instructions. Community Services. (Commission District 5.)

Community Services Department Planner Julee Olander conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. She reviewed slides with the following titles: Appeal WTM20-005 & SSUP20-0021 (Woodland Village); Appeal; Request; Special Use Request; Building Placement Standards; Analysis;

Architectural Look; Analysis; Water & Sewer; Roadways & Traffic; Traffic Study; Schools (3 slides); North Valley CAB; Public Notice; Reviewing Agencies; Tentative Subdivision Map Findings; Special Use Permit Findings; and Possible Motions.

Ms. Olander stated the property in question was zoned as neighborhood commercial and had been originally planned as a town center, which was what had been proposed by appellant Woodland Village. While reviewing information in her presentation regarding schools in the development area, Ms. Olander commented another high school could possibly be added within the Stonegate subdivision. She discussed the tentative subdivision map findings and special use permit (SUP) findings.

Vice Chair Hartung requested clarification regarding the presentation's reference to Spanish Springs High School. He asked whether this might have been a typographical error, which Ms. Olander confirmed. She stated the school referenced should have been North Valleys High School.

Commissioner Jung discussed recent trends she had observed with the Planning Commission (PC) and expressed concern that the PC seemed to be voting against most development and deferring decisions to the Board of County Commissioners (BCC). She believed County Manager Eric Brown and his team were looking into this and thanked them for their efforts. She expressed support for the development in question, opining residents were lucky to live in an area where the developer was also a resident and therefore likely to be more accountable to local citizens than a developer without a personal investment in the area. She hoped these types of developers would continue to help grow the community.

Appellant Derek Schoepf, a resident of Cold Springs, displayed documents on the overhead projector, copies of which were distributed to the Board and placed on file with the Clerk. He expressed concern regarding the proposed development and requested the BCC deny the development or uphold the required setbacks for the purposes of safety, privacy, and environmental protection. He compared the originally planned town center lot setbacks and the reduced setbacks proposed by the developer, expressing concern about a potential increase in traffic accidents. He mentioned a recent accident involving a car which ended up in a nearby ditch, indicating that, if setback reductions were approved, a similar accident in the same location could result in that vehicle crashing into a building.

Mr. Schoepf felt three-story structures would be inconsistent with the surrounding structures and could present additional challenges to the fire department, particularly with the area being prone to high winds and the nearest ladder truck being at least 30 minutes away. He discussed the implications of increased traffic in an already-congested area and expressed doubt as to the accuracy of the developer's traffic study. He explained a neighbor had done an independent count of traffic in the area over two days, counting a total of 5,585 vehicles over that time. Mr. Schoepf implored Commissioners to deny the proposed development, reiterating a lack of infrastructure along with safety and traffic concerns as the main reasons for his request.

Representing Woodland Village on behalf of Lifestyle Homes, Garrett Gordon, Esq. of Wood Rogers, Inc. conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Woodland Village Town Center Tentative Map & SUP Appeal; Project Location (2 slides); Master Plan & Zoning; Project Request; Project Details (4 slides); Project Compatibility; Prior Actions; and Appeal Issues (3 slides).

Mr. Gordon recalled that a town center development had always been at the heart of the Cold Springs area plan, and plans had previously been approved unanimously by the PC and the BCC. The tentative map included 111 planned mixed, stepped two and three-story townhomes at maximum heights of between 40 and 50 feet, whereas heights of up to 60 feet were allowed. He believed most units would end up being only one or two stories high, but whether some units would be three stories would depend on each individual buyer. The plans also included a true town center, trails, parks, and activities for neighborhood residents. He explained Lifestyle Homes' reasons to request modification of the setback limits, noting the planned buildings would extend to the property line and excess land would be given to a homeowners' association. He also noted the Cold Springs area plan allowed up to 14 units per acre, but the developer was not pushing that limit, having planned only 11 or 12 units per acre.

Mr. Gordon said the developer planned to implement staff recommendations to add additional crosswalks, safety signage, and flashing lights. He stated parking in the area would not be impeded or reduced. He pointed out the development had received unanimous Citizen Advisory Board (CAB) and PC approvals as well as recommendations from staff; this type of development was encouraged in town centers. He discussed the quality of Lifestyle Homes' products, the area's housing crisis, and the ways in which mixed and multifamily development could promote homeownership as a community asset. He mentioned some community members, who were growing older and were ready to downsize, no longer wished to care for yards, and these types of homes could be ideal for those residents. He also stated staff concluded the planned infrastructure and improvements for the site were sufficient and plans complied with all conditions provided by the Truckee Meadows Fire Protection District. He requested the Board support the development and proceed with approval.

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said ordinance.

Mr. Blair Speth thanked Commissioner Herman for assuring him he would be welcome to make public comment. He felt the approval process had not been fair, as the pandemic made it difficult for residents to gather and discuss the proposed development. He discussed various reasons residents wanted to live in Cold Springs, expressed frustration regarding his communications with the CAB and the PC, and mentioned a traffic fatality which occurred on the day the CAB approved the development in question. He opined the community members' comments had not been considered or addressed.

Mr. Kenji Otto spoke regarding the design of the proposed development, as well as speeding, accidents, and ongoing traffic issues in Cold Springs. He admitted he lived outside the development neighborhood and would not be part of the homeowners' association, but he was concerned further development in the area could contribute to added traffic congestion. He felt the County needed to help Cold Springs residents with the area's traffic problems.

A public commenter who had identified themselves as Lane Wright on the Zoom app was called to speak but was unavailable due to technical difficulties.

Via Zoom, Ms. Naomi Johnson stated she lived approximately one-half block from the proposed development's entrance. She expressed concern that many neighboring residents did not seem to have been contacted or notified of the public meetings. She felt the project had been pushed through the approval process without enough consideration of the public's opinions. She spoke about the history of her neighborhood's development and character, and the ways in which the proposed development could impact these.

Via Zoom, Ms. Diana Smith, a residential appraiser, stated that only residents within 500 feet of the development had been notified of the project. She spoke about the traffic survey, previous promises made by other developers which were never honored, the lack of road capacity for increased traffic in the region, winter weather issues, and her discussions with other appraisers regarding the potential impact of additional vehicle traffic and road noise which could lower neighboring property values.

Via Zoom, Ms. Kristen Wright stated she was born and raised in Cold Springs. She discussed the lack of parking, traffic concerns, and feeling unsafe in her own home due to multiple accidents where vehicles crashed into residential homes. She believed the County did not seem to be concerned about these problems, and she opined Lifestyle Homes was ruining the valley and causing families to leave.

County Clerk Jan Galassini stated she had received emails in opposition to the development from the following individuals: James and Angela Raines; Ms. Wendy Moley; Ms. Jennifer Craig; Tracy and Jerry Vasina; Ms. Emilie Pecka (two emails); I.J. Crouse; Ms. Danielle Reinier; Stacey Dinan; and Ms. Rebecca Marko. Copies of these emails were placed on the record. She stated a voicemail had also been received from Ms. Pecka.

Vice Chair Hartung inquired as to the timeframe for the planned buildout should the development be approved. Mr. Peter Lissner of Lifestyle Homes said homes would be both built-to-suit as well as spec homes; the overall building goal was to keep their employees busy and working. He noted they typically built around 100 homes per year and he thought it might take between two to two and a half years to complete the development.

Vice Chair Hartung wanted to know whether garages would be available in all the homes. Mr. Bob Lissner of Lifestyle Homes responded one space per bedroom was required, which could be accomplished with a one or two-car garage plus a driveway accommodating one or two vehicles. He said additional parking would be added for the project's commercial areas and there would be plenty of parking available for residents.

Vice Chair Hartung stressed the importance of having ample parking, particularly near the public park and for individuals who could not walk very far. Bob Lissner responded the park already provided parking, and Mr. Gordon added that 89 additional parking spaces would be put in.

Vice Chair Hartung expressed concern regarding Ms. Wright's comments about safety and traffic problems. He recalled efforts to obtain funding through the Regional Transportation Commission to add stop signs on Crystal Canyon Boulevard. He asked whether Lifestyle Homes might be amenable to helping the community with these needed improvements. Mr. Gordon indicated Lifestyle Homes had been a great community partner for decades and would be happy to work with staff to see what could be done.

Vice Chair Hartung wondered about the issue of legal standing. Assistant District Attorney David Watts-Vial indicated standing was the legal right to bring a challenge; it was the appellant's responsibility to establish they had such standing. In broad terms, he continued, an individual would need to be directly harmed by an action, with a concrete interest in a situation which could be remedied by the Board. When considering these types of issues, courts typically looked at whether a plaintiff suffered an actual or imminent injury, and whether that injury was legally protected. Also considered was the causal connection between a claimed injury and whether a decision by the Board could regress that injury.

Mr. Watts-Vial discussed the applicable section of the Washoe County Code which defined the term 'aggrieved'. He indicated the grievance should be substantial with regard to an actual injury to a person, property, or rights, or the imposition of an illegal or unjust burden, rather than general dissatisfaction with a decision. He mentioned a case involving a special use permit for a check cashing business, where the appellant whose property was more than 300 feet from the subject business had appealed on the basis of general business oversaturation in the area.

Mr. Watts-Vial indicated property owners within 500 feet of the proposed development would likely have standing; however, the further their properties were, the less likely they might be in successfully establishing standing. He indicated the Board would also need to consider whether either appellant had provided evidence demonstrating the denial of or substantial injury to a personal or property right.

Commissioner Herman discussed affordable housing and inquired about the anticipated starting price for a two-bedroom home in the development. Peter Lissner indicated the goal was a starting price in the low \$300,000 range for units between 1,000 and 1,900 square feet, but this could change based on the market and construction costs.

He expressed pride in Lifestyle Homes' quality of construction and prices that were lower than many competitors.

Commissioner Herman recalled commenters' concerns regarding potential three-story units. She wanted to know how many total units might end up being three stories tall. She hoped it might still be possible for the developer to consider limiting all units to just two stories. Peter Lissner indicated he could not say for certain how many three-story units would be built, as this would depend on which plans buyers selected, but he did not want to take the option entirely off the table because it would be difficult for some buyers to get the amount of square footage they desired. He expressed understanding that many community members would prefer single or two-story units, and he remarked those concerns were being taken into consideration.

Commissioner Herman said there were still more processes to go through before the development plans became complete, and she hoped Lifestyle Homes would be willing to work with community members however possible, particularly regarding residents' traffic and safety concerns. Peter Lissner responded he listened to the issues mentioned by the public and Mr. Schoepf, and he wanted to meet with them to discuss their needs and come up with solutions to help them. He provided his phone number and offered that anyone could contact him at any time; he reiterated his willingness to work with the public to make things better.

Chair Lucey explained the Board sometimes needed to act in a quasi-judicial capacity to make difficult decisions. He stated Mr. Schoepf's appeal brought up questions regarding infrastructure, safety, traffic density, and fire concerns, but Chair Lucey thought a number of these issues had been addressed. Regarding Mr. Schoepf's comments about proposed units not being congruent with the existing homes in the area, Chair Lucey indicated he was not certain whether the street Mr. Schoepf lived on was within the area where properties were required to be congruent. He thought some individuals might be having challenges with the definition of congruence. He provided an example of attached homes constructed on Rio Wrangler Parkway, where community members had been concerned about height and congruence. However, driving through the area, he opined it did not really look as though the units were taller than two stories. He also mentioned the Fallen Leaf Condominiums on Wedge Parkway, which were three-story units.

Chair Lucey concluded there was a definite need for housing in Washoe County. He opined the area was, in a way, a victim of its own successful and rapid growth, but stopping construction of more housing in the region would not be an effective solution. He respected Mr. Schoepf's concerns but hoped Lifestyle Homes would help to address them. He did not feel Mr. Schoepf had established direct harm caused by the issues he had with the development. The Chair understood some community members were opposed, but he recalled each district had constructed similar housing types in recent years as workforce housing was desperately needed throughout the region.

Vice Chair Hartung expressed agreement and felt it important to note the CAB and PC had both approved the development. He pointed out there was demand for the type of housing being proposed; if there was not, the developers would not be building it. He noted Spanish Springs had also approved similar housing types.

Commissioner Hill agreed there was a definite need for workforce housing and pointed out all findings had been made. She recommended affirming the decision of the PC.

Ms. Olander clarified that Assessor's Parcel Number (APN) 556-390-14 was owned by WVC Commercial, LLC, and APN 556-390-04 was owned by WVC Recreational, LLC.

Vice Chair Hartung reviewed a suggested motion in the staff report, which would allow the Board to deny Mr. Schoepf's appeal and affirm the decision of the Planning Commission to approve Tentative Subdivision Map Case Number WTM20-005 and Special Use Permit Case Number WSUP20-0021, based upon the ability to make the findings required by Washoe County Code.

Mr. Watts-Vial indicated the proposed motion did not specifically address the issue of whether Mr. Schoepf had standing. Vice Chair Hartung suggested dismissing Mr. Schoepf's appeal for lack of standing.

Mr. Watts-Vial pointed out the motion suggested in the staff report included the ability to deny the appeal and affirm the decision of the PC, regardless of the appellants' standing. Alternatively, the Board could still choose to deny the appeal, even if the appellant had standing.

Deputy District Attorney Jen Gustafson requested clarification regarding which appellant Vice Chair Hartung's proposed motion referred to. She noted the property owner had also filed an appeal. Vice Chair Hartung stated the proposed motion for lack of standing had been made in reference to Mr. Schoepf's appeal.

Chair Lucey believed the Board felt Mr. Schoepf lacked standing; however, the Board wished to affirm the decision of the PC to approve the development regardless of standing. Vice Chair Hartung expressed agreement.

Ms. Gustafson requested the Board also address the second appeal. She suggested the second appeal could be dismissed as moot, given the proposed motion to deny Mr. Schoepf's appeal.

Chair Lucey asked Mr. Gordon whether, given the proposed motion, the second appellant wished to withdraw their appeal. Mr. Gordon answered in the affirmative.

On motion by Vice Chair Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that the decision of the Planning Commission to approve Tentative Subdivision Map Case Number WTM20-005 and Special

Use Permit Case Number WSUP20-0021 be affirmed. The affirmance is based upon the ability to make the findings required by Washoe County Code.

21-0185 **AGENDA ITEM 17** Public Comment.

Mr. Kenji Otto commented regarding traffic, safety, and speeding problems in Cold Springs, stating these issues had been discussed for more than a decade. He reiterated there were insufficient egress routes in case of emergency and further improvements were needed to accommodate the area's continued growth. He hoped to speak with Vice Chair Hartung about the involvement of the Regional Transportation Commission.

Mr. Blair Speth indicated it had been difficult to understand some of the legal discussion related to Agenda Item 16. He commented on the Cold Springs Area Master Plan and the importance of roof lines and setbacks to existing residents. He expressed concern that not adhering to the originally approved plan would impact residents' ability to see the mountains, which were important to the community's character.

Mr. Derek Schoepf spoke regarding his email history with Planner Julee Olander. He had raised funds with the assistance of fellow community members to file his appeal, but due to an apparent error, he discovered the filing fee would be over \$400 more than Ms. Olander had initially explained. Mr. Schoepf expressed frustration he had to pay that difference out of his own pocket and requested the Board work with him to correct the situation so he did not have to personally pay for an error which had not been his mistake.

Via the Zoom app, Ms. Darlene Smith expressed frustration at not receiving notices for meetings and actions regarding the proposed development. She felt processes had been rushed and she reiterated concerns regarding her property's proximity to the development, the likelihood of increased traffic and road noise, and a lack of response to her concerns.

Via Zoom, Ms. Annemarie Grant, sister of Thomas Purdy, an inmate who died at the Washoe County Jail, spoke regarding recent events related to the social justice movement which began with the in-custody death of George Floyd. She listed other in-custody deaths that had occurred at the Washoe County Jail. She implored Commissioners to speak to the inmates rather than just jail staff, and she spoke about the circumstances surrounding her brother's death. She concluded her public comment by playing audio recorded during her brother's last moments.

21-0186 **AGENDA ITEM 18** Announcements/Reports.

Commissioner Hill remarked a statewide virtual job fair would be held on March 25, 2021, explaining how members of the public could register online if they were interested in attending. She requested staff follow up with Mr. Derek Schoepf regarding the extra amount he had to pay due to an error in the quoted cost to file his appeal. Commissioner Herman expressed agreement with Commissioner Hill's request.

Vice Chair Hartung wondered whether there were any statutory remedies for the error that had occurred. He suggested Mr. Schoepf provide more details after the meeting so staff could figure out what had happened and possibly come up with a way to prevent similar issues from occurring in the future.

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1:19 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:
LJ Burton, Deputy County Clerk*