

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

OCTOBER 24, 2006

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, Vice Chairman
Jim Galloway, Commissioner*
David Humke, Commissioner
Pete Sferrazza, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel

The Board met 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:

06-1182 AGENDA

In response to the call for public comment, Sam Dehne voiced his disapproval of the two-minute time limit for public comment.

In accordance with the Open Meeting Law, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Galloway absent, Chairman Larkin ordered that the agenda for the October 24, 2006 meeting be approved with the following changes: **Delete** Item 4, Resolution recognizing the Sun Valley General Improvement District receiving the Freedom Award, and Item 11, settlement of the Equal Employment Opportunity Commission complaint.

06-1183 PROCLAMATION - CANSTRUCTION WEEK - NOVEMBER 1-6, 2006

Chairman Larkin read and presented the proclamation to Ric Licata, American Institute of Architects Northern Nevada Chapter Board of Directors President, and Doris Phelps, Food Bank of Northern Nevada Development and Marketing Director.

***2:17 p.m.** Commissioner Galloway arrived.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following proclamation be adopted and the Chairman be authorized to execute the same:

PROCLAMATION

WHEREAS, It is estimated that nearly 200,000 people in the State of Nevada are in need of food assistance; and

WHEREAS, It is estimated that in Washoe County alone, 3,000 children go to bed hungry each night; and

WHEREAS, Community support for the Food Bank of Northern Nevada is vital to ensure that those who are hungry in our region receive the food they need day in and day out; and

WHEREAS, The American Institute of Architects Northern Nevada Chapter, the Builders Association Charity and the Builders Association of Northern Nevada are responding to the needs and are sponsoring a nationally coordinated event called CANstruction to gather food for the hungry; and

WHEREAS, The firms in the design and building industry, including architects, engineers and contractors will engage in friendly public team competition to obtain this food by constructing projects using only canned and packaged foods; and

WHEREAS, Following the competition, the food will be given to the Food Bank of Northern Nevada of Washoe County for distribution to the hungry in Northern Nevada and the Sierra; now, therefore, be it

PROCLAIMED, By the Washoe County Board of Commissioners that the Board endorses the week of November 1st through November 6th, 2006 as CANstruction Week.

06-1184 PUBLIC COMMENTS

Katy Singlaub, County Manager, stated the Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence, and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

Guy Felton spoke on the voting system and voter fraud. He believed citizens should vote by absentee ballots.

Sam Dehne discussed the certification process for the General Election.

Gary Schmidt suggested an agenda item concerning clapping in the chambers. He displayed a picture of a 1923 Kissell Fire Truck driven from his residential property on Neilson Road, and he reported it was not an inoperative vehicle as so noticed in a prior Commission meeting.

06-1185 COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

Commissioner Humke announced "Halloween Safe Streets" sponsored by the Pleasant Valley Volunteer Fire Department was scheduled for October 27 and 28, 2006. He said Governor Kenny Guinn was working with the United States Forest Service concerning Roadless Area Planning. Commissioner Humke announced the Leadership Academy would conduct their presentations on November 2nd.

Commissioner Weber requested a future agenda item to consider additional Code Enforcement Officers.

Chairman Larkin requested information about the two percent rental car deduction and if locals were excluded. He indicated the rental car companies stated they could not comply with that exclusion.

In response to public comment, Commissioner Galloway remarked the Voter Verified Paper Trail prevented voter fraud, and he explained how the voter could check their ballot. He announced the Tahoe Regional Planning Agency had a two-day session planned. Commissioner Galloway said the Human Consortium met, and they agreed to divide the estimated available monies for five different human needs areas; however, he was concerned how the funding would be maintained.

Chairman Larkin instructed Guy Felton to take his seat.

Commissioner Sferrazza requested a future agenda item concerning clapping in the Chambers.

Chairman Larkin addressed Gary Schmidt and stated the meeting was run by the County Commission. He said, if and when a clapping policy was instituted, then that would be undertaken. Chairman Larkin explained, until that time, the Board of County Commissioners had voted to allow the Chair to run the meeting.

DISCUSSION OF CONSENT AGENDA

In response to the call for public comment, Sam Dehne stated he was disappointed with the size of the consent agenda.

06-1186 MINUTES

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the minutes of the regular meeting of September 19, 2006 be approved.

06-1187 **CANCEL – REGULARLY SCHEDULED MEETINGS -
NOVEMBER 14 AND 21, 2006**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the regularly scheduled meetings of November 14 and 21, 2006, be cancelled pursuant to Washoe County Code 5.017(4), and the Clerk be directed to post the notice of cancellation.

06-1188 **SEXUAL ASSAULT MEDICAL CARE PAYMENT - DISTRICT
ATTORNEY**

Pursuant to NRS 217.300, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care for 31 sexual assault victims in an amount totaling \$12,623.50 and for follow-up treatment (up to \$1,000) for victims, victim's spouses and other eligible persons as set forth in a memorandum from Kim Schweickert, Program Assistant, District Attorney's Office, dated October 3, 2006.

06-1189 **AWARD OF BID - LENEL ONGUARD 2005 ACCESS CONTROL
SYSTEM - BID NO. 2562-07 - PUBLIC WORKS**

This was the time to consider award of the bid for the Lenel OnGuard 2005 Access Control System for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on September 5, 2006. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

PowerComm Solutions, Inc.
RFI Communications & Security System

Upon recommendation of Michael Sullens, Senior Buyer, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Bid No. 2562-07 for the Lenel OnGuard 2005 Access Control System for the Public Works Department be awarded to the lowest responsive, responsible bidder, PowerComm Solutions Inc., in the amount of \$73,485. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute the agreement with PowerComm Solutions, Inc. to perform the work.

06-1190 **DONATION - APOLLO 4 TUFF STUFF MULTI-STATION
WEIGHT MACHINE**

Commissioner Galloway acknowledged the donation and extended the gratitude of the Board.

Upon recommendation of Melanie Foster, Assistant District Attorney, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the donation of a used Apollo 4 Tuff Stuff Multi-Station Weight Machine from ERGS, Inc., with an estimated value of \$3,500, be accepted.

06-1191 APPROVAL OF FULL-TIME COUNTY PUBLIC INFORMATION OFFICER POSITION - FINANCE

Katy Singlaub, County Manager, explained the circumstances concerning this position, and she acknowledged this would continue the flow of consistency transmitting information to the public.

Upon recommendation of Kathy Carter, Community Relations Director, and Joanne Ray, Human Resources Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that a full-time Public Information Officer position for a 12-month period from approximately November 13, 2006 to November 9, 2007 be approved.

06-1192 RECLASSIFICATION REQUESTS - HUMAN RESOURCES

Upon recommendation of Joanne Ray, Human Resources Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the placement of the Chief Alternative Sentencing Officer job class on the Unclassified Management Salary Schedule at pay grade QQ, and the creation of an Assistant Alternative Sentencing Officer job class on the confidential salary schedule at pay grade NN be approved. It was further ordered that the Alternative Sentencing Supervisor job class be abolished.

06-1193 EXPENDITURE - ENHANCED 911 FUND - INCLINE VILLAGE PUBLIC SAFETY ANSWERING POINT - 911 EMERGENCY RESPONSE ADVISORY COMMITTEE

Upon recommendation of Tom Miller, 911 Emergency Response Advisory Committee Chair, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the expenditure from the enhanced 911 Fund to AT&T, concerning equipment to correct time synchronization concerns at the Incline Village, Nevada Public Safety Answering Point in the amount of \$10,320, be approved.

06-1194 RESOLUTION - REGIONAL COMMUNICATION SYSTEM FUND - FINANCE

Upon recommendation of Anna Heenan, Senior Fiscal Analyst, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

**A RESOLUTION CREATING THE
WASHOE COUNTY REGIONAL COMMUNICATION SYSTEM (WCRCS)
SPECIAL REVENUE FUND**

WHEREAS, the Washoe County Commission and other local government agencies, known as the Participating Agencies, entered into an agreement to establish the Washoe County Regional Communication System; and

WHEREAS, the agreement establishes a Joint Operation Committee and a Users Committee so as to provide a structure that enables administrative and fiscal review of the operating and maintenance of the Washoe County Regional Communication System by the participating agencies; and

WHEREAS, each Participating Agency shares in the cost of the Washoe County Regional Communication System; and

WHEREAS, the resources and disbursements relative to the Washoe County Regional Communication System should be separated from other County financial activity; and

WHEREAS, the resources and disbursements relative to the operations should be in a Special Revenue fund; and

WHEREAS, the County will annually budget resources and disbursements to fund the Washoe County Regional Communication System Special Revenue Fund; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA:

Section 1. That the Washoe County Regional Communication System Fund is hereby created as a special revenue fund subject to Local Government Budget Act contained in NRS 354.

Section 2. That the Finance Department is hereby directed to establish said fund on the official books and records of Washoe County for the purposes of accounting for the Washoe County Regional Communication System funds and interest earnings on the assets of the fund and expenditures and disbursement from the fund.

Section 3. This resolution shall be effective on passage and approval.

Section 4. The County Clerk is hereby directed to disburse executed copies of the Resolution to the Department of Taxation, the Comptroller, Technology Services and the Budget Division within 30 days.

06-1195 **REVISE GUIDELINES AND STANDARDS - HEALTH CARE ASSISTANCE PROGRAM (HCAP) - SOCIAL SERVICES**

Upon recommendation of Ken Retterath, Adult Services Division Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the Director of Social Services be authorized to revise the Guidelines and Standards to the eligibility criteria for the Health Care Assistance Program (HCAP), by increasing the income eligibility to \$817, which was 100 percent of the 2006 Federal Poverty Guidelines (FPG), and add \$283 for each additional person in the household, effective November 1, 2006.

06-1196 **GRANT - ATTORNEY GENERAL FFY 2006 VIOLENCE AGAINST WOMAN TECHNICAL ASSISTANCE - SHERIFF**

Upon recommendation of David Butko, Detective Division Commander, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the State of Nevada, Office of Attorney General FFY 2006 Violence Against Women Technical Assistance grant award in the amount of \$2,400 (no cash match) be approved, and the Finance Department be authorized to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
Increase Revenues		
10499-431100	Domestic Violence Unit - Federal Grants	\$2,400
Increase Expenditures		
10499-710509	Domestic Violence Unit-Seminars/Meetings	\$1,150
10499-711210	Domestic Violence Unit-Travel	\$1,250

06-1197 **QUITCLAIM DEEDS - GRANT OF DRAINAGE EASEMENT - SPANISH SPRINGS LIMITED PARTNERSHIP AND LENNAR RENO, LLC - WATER RESOURCES**

Upon recommendation of Jeanne Ruefer, Water Resources Planning Division Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Grant of Drainage Easement on APN 532-020-04 to Spanish Springs Associates Limited Partnership and Lennar Reno, LLC, and the Access and Utility Easement on APN 532-020-04 to Lennar Reno, LLC and Spanish Springs Associates Limited Partnership, in conformance with the terms and conditions of the Donation and Construction Agreement with Springs Associates Limited Partnership, for the donation without compensation of land for construction of the North Spanish Springs Floodplain Detention Facility and associated conveyance channels, be approved. It was further ordered that the Chairman be authorized to approve and execute the Quitclaim Deeds for APN's 532-020-04 and 089-160-52. It was noted that a conformed copy of the above agreements be provided to the Donor.

**06-1198 EXPENDITURE/RESOLUTION - DISTRICT 4 SPECIAL
FUNDING ACCOUNT - TEEN CHALLENGE OF NEVADA, INC. -
MANAGEMENT SERVICES**

Upon recommendation of Julie Skow, Administrative Assistant II, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the expenditure from County Commission District 4 Special Funding Account to Teen Challenge of Nevada, Inc., to assist in funding for the supplemental development of their high school, in the amount of \$4,000 be approved. It was further ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

RESOLUTION

Authorizing the Grant of Public Money to Teen Challenge of Nevada, Inc.

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, or to a governmental entity, to be expended for a selected purpose; and

WHEREAS, The Board of County Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 2006/2007, to make a grant of money to Teen Challenge of Nevada Inc. to assist in funding for the supplemental development of their high school and that by providing this grant of money, a substantial benefit will be provided to the inhabitants of Washoe County; now therefore, be it

RESOLVED, By the Board of County Commissioners of Washoe County that the Board hereby grants to Teen Challenge of Nevada, Inc., a grant for fiscal year 2006/2007 in the amount of \$4,000.

**06-1199 ALLOCATION - TAHOE TRANSPORTATION DISTRICT -
AIRPORT SHUTTLE - COMMUNITY DEVELOPMENT**

Upon recommendation of Michael Harper, Planning Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that an allocation to the Tahoe Transportation District to contribute additional funding of an Airport Shuttle between the Reno-Tahoe International Airport and Incline Village/Crystal Bay from fiscal year 2006/07 District 1 Special Funding account (100101), in the amount of \$5,000, be approved.

**06-1200 SUPPLEMENTAL GRANT AWARD - DIVISION OF AGING
SERVICES - SENIOR LAW PROJECT - MANAGER**

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly

carried, Chairman Larkin ordered that the supplemental grant award from the Division for Aging Services for the period retroactive from July 1, 2006 through June 30, 2007, concerning the Senior Law Project in the amount of \$49,673 (with \$8,766 in-kind County match), be accepted. It was further ordered that the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
10089-431100 Revenue	DAS Legal/Federal Grants	\$49,673
10089-701110 Expenditure	DAS Legal/Base Salaries	\$49,673

It was noted the 18 percent (\$8,766) County match requirement associated with this grant was in-kind and did not require a cash match.

06-1201 INDEPENDENT LIVING GRANT - DIVISION OF AGING SERVICES MENTAL HEALTH AND WELLNESS PROGRAM - MANAGER

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that an Independent Living grant award from the Division for Aging Services, concerning the Senior Services Mental Health and Wellness Program for the period of October 1, 2006 through September 30, 2007, in the amount of \$83,000 (with \$10,992 cash match and \$1,458 in-kind match) be accepted.

06-1202 APPOINTMENTS - INCLINE VILLAGE/CRYSTAL BAY CITIZEN ADVISORY BOARD

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that David Ziegler be appointed as an At-Large member and Deborah Nicholas as an At-Large alternate to the Incline Village/Crystal Bay Citizen Advisory Board with a term beginning on October 24, 2006 and ending on June 30, 2008.

It was further ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

RESOLUTION

WHEREAS, The Incline Village/Crystal Bay Citizens Advisory Board was formed by the Board of County Commissioners on March 17, 1975 to act in an advisory and liaison capacity with respect to governing the affairs of the Incline Village-Crystal Bay area and re-established by the Board of County Commissioners on June 17, 1980; and

WHEREAS, The County Commissioner representing Commission District 1 desires that an alternate be appointed to the Incline Village/Crystal Bay

Citizens Advisory Board to ensure that a quorum is available for every Citizen Advisory Board meeting; now, therefore, be it

RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, That the Incline Village/Crystal Bay Citizens Advisory Board be restructured, as amended in the following paragraph, under the authority of Washoe County Code Section 5.429; and be it further

RESOLVED, That the membership of the Incline Village/Crystal Bay Citizens Advisory Board is amended to consist of one member representing the Crystal Bay area, one member representing the Incline Village Improvement District, five at-large members, one alternate position representing the Incline Village General Improvement District, and one at-large position appointed by the Board of County Commissioners; and the at-large members and alternates will be appointed with consideration given to equable geographical representation within the citizen advisory board area; and be it further

RESOLVED, that this amendment to the membership of the Incline Village/Crystal Bay Citizens Advisory Board become effective the date this Resolution is adopted.

06-1203 CORRECTION OF FACTUAL ERRORS - PERSONAL PROPERTY TAX ROLLS - ASSESSOR

Upon recommendation of Mark Stafford, Senior Appraiser, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that:

- Roll Change Requests, (RCR) 06-146 to 06-246, for businesses closed prior to July 1, 2005 lien date, tax year 2005/06, be approved;
- RCR's 06-247 to 06-258, for businesses closed prior to July 1, 2004 lien date, tax year 2004/05, be approved;
- RCR's for Integrated Business Service, (ID 2102532), Galileo's Pizza (ID 2210009), and Joanne's Embroidery (ID 2294141) closed prior to July 1, 2003 lien date, tax year 2003/04, be approved; and
- The Chairman be authorized to execute the RCR's and the Treasurer be directed to correct the Rolls.

06-1204 RESOLUTION OF SUPPORT - WEST TRACY INTERCHANGE - PUBLIC WORKS

In response to Commissioner Sferrazza, Tom Gadd, Public Works Director, replied there would not be a negative impact to the Spaghetti Bowl. He explained the resolution was aimed at the Federal Highway Administration (FHWA) and

the Nevada Department of Transportation (NDOT) moving forward to approve the environmental assessment before the developers could continue with the project.

Commissioner Galloway suggested the motion should not imply support for reimbursement in the event the interchange was donated. Mr. Gadd replied the developer was not interested in receiving reimbursement, and they agreed to build the interchange at no cost to the taxpayer.

In response to Chairman Larkin, Mr. Gadd explained the Finding of No Significant Impact concerning the USA Parkway was accepted by NDOT and FHWA. He said the environmental assessment on the West Tracy Interchange had been completed and presented to NDOT and FHWA; however, the development could not continue because those agencies had not taken any action. Mr. Gadd noted the environmental impact study found no significant impact to the construction of the interchange.

In response to the call for public comment, Sam Dehne said the owners of the development should pay for the interchange. Guy Felton questioned such an expensive project being placed on the consent agenda.

Commissioner Sferrazza stated he would not support a motion, because he felt there would be a significant impact to traffic on Interstate 80.

Upon recommendation of Roger Van Alyne, Public Works Deputy Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting “no,” it was ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

**RESOLUTION OF SUPPORT
WEST TRACY INTERCHANGE**

WHEREAS, Washoe County and the City of Sparks are currently engaged in a cooperative planning effort in the East Truckee Canyon intended to identify future land uses for development; and

WHEREAS, Washoe County supports the vision of a vibrant mixed use, sustainable development in the east Truckee River Canyon; and

WHEREAS, Appropriate transportation system infrastructure is necessary for the reasonable and orderly development of properties in the east Truckee River Canyon; and

WHEREAS, Roughly 128 acres of critical Truckee River floodplain near the West Tracy Interchange had been sold to the Bureau of Land Management to help achieve the critical balance desired between quality economic development and precious environmental protection; and

WHEREAS, The West Tracy Interchange is a critical element of any transportation infrastructure in the east Truckee River Canyon; and

WHEREAS, Certain environmental studies have been completed as part of the approval process for freeway interchanges and the associated report has been submitted to the Nevada Department of Transportation (NDOT) and Federal Highway Administration (FHWA); now, therefore, be it

RESOLVED, That the Washoe County Board of County Commissioners does hereby express its support for the West Tracy Interchange and further encourages NDOT and FHWA to expedite the approval of the environmental report and allow the design of this important facility to proceed.

**06-1205 APPOINTMENT - ACTING COUNTY COMPTROLLER -
MANAGER**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Patricia Gonzales be appointed as Acting County Comptroller with a 10 percent salary adjustment effective November 20, 2006.

**06-1206 CONFIRMATION OF APPOINTMENT - PATRICIA GONZALES -
COMPTROLLER - MANAGER**

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Patricia Gonzales be appointed as County Comptroller effective January 6, 2007 and the annual salary be set at \$118,310.40.

**06-1207 ACCEPT FUNDS - STATE DIVISION OF CHILD AND FAMILY
SERVICES - FEDERAL ADOPTION INCENTIVE FUNDS -
SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the Federal Adoption Incentive Funds from the State Division of Child and Family Services (DCFS), to assist the Department in the Adoption Program, in the amount of \$199,716 be accepted. It was further ordered that the Department of Social Services be authorized to expend up to \$15,000 of those funds in fiscal year 2006/07 to cover the costs of sponsoring adoption day activities including entertainment, decorations, a reception for adoptive families, public awareness, and costs of photographs and video recording of the adoption hearings.

06-1208

AWARD OF BID - DAVIS CREEK STORAGE BUILDING - BID NO. PWP-WA-2006-363 - PUBLIC WORKS

This was the time to consider award of the bid for the Davis Creek Storage Building for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on September 6, 2006. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

- Gui Denby, Inc.
- Reyman Bros. Construction
- Gill Construction
- Building Solutions
- Bison Construction
- Central Sierra Construction
- Maxim Construction

Upon recommendation of David Solaro, Capital Projects Division Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that Bid No. PWP-WA-2006-363 for the Davis Creek Storage Building for the Public Works Department be awarded to the lowest responsive and responsible bidder, Maxim Construction, in the amount of \$144,743. It was further ordered that the Finance Department be directed to make the necessary budget adjustments and the Chairman be authorized to execute the contract documents upon presentation.

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/ (DECREASE)
140900-781001	Decrease Parks Infrastructure Preservation	(\$40,381)
PW920898-781001	Increase Public Funds Fund 402 project	\$40,381

06-1209

GRANT PROGRAM CONTRACT - SENIOR ALLIANCE FOR SUPPORT SERVICES - SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the grant program contract with the Senior Alliance for Support Services to support the Department's Senior Nutrition Program and other meal related services effective retroactively from July 1, 2006 through August 30, 2007, in the amount of \$100,000 (approximately \$91,666.68 for fiscal year 2006/07 and \$8,333.32 for fiscal year 2007/08) be approved.

06-1210

**GRANT - DIVISION FOR AGING SERVICES - SENIOR LAW
PROJECT WARD REPRESENTATION - SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the grant award from the Division of Aging Services, concerning the Senior Law Project Ward Representation Program for the period retroactive from October 1, 2006 through September 30, 2007, in the amount of \$113,793 (with \$17,060 in-kind match and \$9 cash match) be accepted. It was further ordered that the creation of 1.0 FTE benefits eligible position (PC# TBD) as evaluated by the Job Evaluation Committee be authorized, and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
10560-432100	SLP Legal Ward-State Grants	\$113,793
10560-701110	SLP Legal Ward-Base Salaries	103,519
10560-701150	SLP Legal Ward-Contractual Wages	7,137
10560-711504	SLP Legal Ward-Equipment<\$10,000	2,300
10560-710500	SLP Legal Ward-Other Expense	837

It was noted the required in-kind match of \$17,060 for this grant would come from a Title III-B grant that was funded for fiscal year 2006/07 in the form of attorney and secretarial support (10089-701110). It was further noted a cash match of only \$9 was already included in the Department's fiscal year 2006/07 budget (250411-710350).

06-1211

**VICTIM OF CRIME ACT GRANT - STATE DIVISION OF CHILD
AND FAMILY SERVICES - SOCIAL SERVICES**

In response to Chairman Larkin, Terri Humes, Fiscal Manager, replied this was the second year the County had received this grant. She indicated the primary goal was to move families off the Fourth Street corridor. Chairman Larkin requested housing statistics for that goal be included in future staff reports.

Upon recommendation of Michael Capello, Social Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Victim of Crime Act (VOCA) grant from the State Division of Child and Family Services (DCFS), to provide direct services to victims of child abuse and/or domestic violence from the grant period of October 1, 2006 through June 30, 2009, in the amount of \$259,122 (total grant award is \$323,904 with a 20 percent match, \$64,782 required) be accepted. It was further ordered that the Chairman be authorized to execute an agreement with the Committee to Aid Abused Women to perform services outlined in the VOCA grant to provide direct services to victims in the annual amount of \$64,200.

06-1212 AGREEMENT - BLACK EAGLE CONSULTING - TESTING AND INSPECTION SERVICES - DETENTION FACILITY EXPANSION - PUBLIC WORKS

Katy Singlaub, County Manager, explained how the list was developed for qualified testing and inspection firms. She said a request for qualifications was distributed to testing and inspection services. Ms. Singlaub added after the list was compiled, the qualifying firms were rotated to equally distribute the workload. She acknowledged prior experience with the firms was evaluated.

Commissioner Galloway requested a copy of the qualified testing and inspection providers.

Upon recommendation of David Solaro, Capital Projects Division Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that an agreement between Washoe County and Black Eagle Consulting, Inc., concerning testing and inspection services, in the amount of \$224,000 be approved and the Chairman be authorized to execute the agreement upon presentation.

06-1213 RESOLUTIONS - AUTHORIZING EMINENT DOMAIN PROCEEDING - EASEMENTS - PHASE 1 PLEASANT VALLEY INTERCEPTOR - WATER RESOURCES

Katy Singlaub, County Manager, recommended this item be continued since several of the easements listed in the staff report dated October 6, 2006 had been resolved. She indicated staff would return to the Board in November with an update.

After further discussion, concerning the remaining easements and right-of-entry, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the adoption of resolutions authorizing proceedings for acquisition by eminent domain of temporary and permanent easements necessary for construction of the Phase I Pleasant Valley Interceptor be continued to the November 13, 2006 Board of County Commission meeting.

Commissioner Sferrazza indicated he would not vote for condemnation.

06-1214 CONTRACT - TRUCKEE MEADOWS WATER AUTHORITY WHOLESALE WATER SERVICE - WATER RESOURCES

Jerry McKnight, Finance and Customer Service Manager, remarked this contract would not increase the water rates to the citizens of Spanish Springs. He said there would be a slight reduction on the wholesale cost; however, as the volume grew and more infrastructure emerged, the cost would increase. Mr. McKnight said the cost under this proposed rate structure would be higher than the current Firm Stand by Partial Requirement rate (FSPR). Mr. McKnight noted a rate increase would not occur within the next five years for Spanish Springs residents based on this contract.

Commissioner Sferrazza explained during the Truckee Meadows Water Authority (TMWA) meeting he was advised these were limited leases. He asked what would occur if TMWA decided not to provide wholesale water. Mr. McKnight replied the County owned the water rights, which were dedicated by the developers and were appurtenant to the homes in that area. He said the agreement would have to give appropriate notice if TMWA would not deliver the wholesale water; however, TMWA could not use that water elsewhere because it was dedicated to those homes. Mr. McKnight noted "Exhibit E" included in the staff report dated October 5, 2006 outlined various components of infrastructure. Commissioner Sferrazza requested a copy of the rate study.

Commissioner Humke asked if TMWA discussed the consumer-based rates rather than the wholesale rates. Mr. McKnight stated that was correct. He said the rate schedule for Large Volume Resale Service was adopted by TMWA on September 20, 2006. He explained this was a cooperative arrangement between the two services. Commissioner Humke referenced "force majeure" in Article IX within the staff report, and he asked if a statute change or legislative action would be considered "force majeure." Melanie Foster, Legal Counsel, stated the definition of "force majeure" included a catch all of matters not within the reasonable control of the party to include limitation or prohibitions on water supply resulting from environmental control laws or other laws of governmental regulations. She said a legislative change could be viewed to impact the supply under this agreement; however, it was intended to mean drastic and unexpected events that may interfere with the ability to deliver. Commissioner Humke asked about cancellation of the agreement. Mr. McKnight replied in relation to the financial issues this was the same language used in the Sun Valley contract. He remarked cancellation would only occur if the County failed to perform.

Upon recommendation of Mr. McKnight, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the TMWA Wholesale Water Service Contract for the purchase of water for the Spanish Springs retail area be approved and the Chairman be authorized to execute the same.

**06-1215 REGIONALIZATION/APPOINTMENT - CITY OF RENO'S
REGIONAL HOUSING TASK FORCE - COMMUNITY
DEVELOPMENT**

Upon recommendation of Eric Young, Planner, on motion by Commissioner Humke, seconded by Chairman Larkin, which motion duly carried, Chairman Larkin ordered that the regionalization of the City of Reno's Regional Task Force be supported. It was further ordered that Commissioner Weber be appointed as a non-voting liaison and Commissioner Sferrazza as an alternate non-voting liaison to serve on the Regional Housing Task Force. It was further ordered a contribution to support the efforts of the Regional Housing Task Force, in the amount of \$7,500, be approved and the Finance Department be directed to make the appropriate budget adjustments.

**06-1216 LEAD AGENCY FOR ASSESSMENT OF WORKFORCE
HOUSING OPPORTUNITIES - INCLINE VILLAGE/CRYSTAL
BAY - COMMUNITY DEVELOPMENT**

Upon recommendation of Michael Harper, Planning Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that:

- The Community Development Department be approved as the lead agency in an assessment of workplace housing opportunities at Incline Village/Crystal Bay. It was noted this approval was contingent on a partnership of public and private entities in the Incline Village and Crystal Bay communities agreeing to join the County in participating in and possibly funding some of the assessment.
- An application by the Community Development Department to Schwab Bank for a grant to assist in the funding of the workplace housing assessment at Incline Village and Crystal Bay be approved.
- The Chairman be authorized to sign a letter inviting public and private entities to join as partners with Washoe County in the workforce housing assessment.

**06-1217 2007 HOME CONSORTIUM ALLOCATION - COMMUNITY
DEVELOPMENT**

Katy Singlaub, County Manager, explained this was an annual process that affected the consolidated portion of the HOME funding for the County. She added it provided the developers who construct affordable housing projects to use HOME Consortium monies. Ms. Singlaub stated the priority of infill development was a goal for Washoe County.

Eric Young, Planner, said the past year had shown activity with the upgrade of the Regional Plan and discussion on how the County could demonstrate their commitment to infill development. He said staff felt this was a good opportunity because the existing amount of available money made a strong statement toward the County's support of infill development. He noted delaying the other priorities was not necessarily a problem because of the activity surrounding affordable housing.

Commissioner Galloway said this priority stated how the County would contribute to infill development without precluding other priorities. Mr. Young explained this process enabled infill projects the ability to forego several steps.

In response to Commissioner Weber, Ms. Singlaub indicated that staff would need to research to see if County general funds could be used to make a direct allocation for this type of project.

Upon recommendation of Mr. Young, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that projects shown to support Washoe County's commitment to supporting infill development for Washoe County's pro rata share of the 2007 HOME consortium allocation be approved.

06-1218 LEGISLATIVE ISSUES - LEGISLATIVE AFFAIRS

John Slaughter, Management Services Director, stated there were no new Bill Draft Requests to bring forward at the present time.

REPORTS/UPDATES - COUNTY COMMISSION MEMBERS

Commissioner Humke reported a Regional Transportation Commission (RTC) meeting was held on October 20th and a Board of Health meeting would be held October 26th. He also announced a Reno-Sparks Convention and Visitors Authority (RSCVA) meeting was scheduled to review the Executive Directors performance. He said there was also a meeting of the Flood Control Project Committee.

Commissioner Weber stated she served on the Nevada Association of Counties (NACO) committee to interview candidates for a new executive director. She noted the NACO convention would be held in November. Commissioner Weber reminded citizens of Nevada Day events scheduled in Carson City.

Chairman Larkin announced early voting had started. He said the Joint Fire Advisory Board (JFAB) would meet on October 30th.

Commissioner Galloway reported his monthly open meeting in Incline Village was planned for November 3rd. He said he received a donation request from Red, White and Blue, an Incline Village group to sponsor a fireworks display in July.

Commissioner Sferrazza said the Central Citizen Advisory Board (CAB) held their first CAB meeting to appoint and train new members. He commented attendance was 100 percent.

4:06 p.m. The Board recessed.

5:33 p.m. The Board reconvened with all commissioners present.

06-1219 CONSIDER PROTESTS - SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1A) – WATER RESOURCES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on October 7, 14 and 21, 2006 to consider all complaints, protests, and objections to the assessments made in writing or verbally for the improvements in the

Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a), by any person interested, and by any parties aggrieved by such assessments.

Chairman Larkin opened the public hearing by calling on anyone wishing to speak for or against the said assessments. There being no one wishing to speak, Chairman Larkin closed the public hearing.

Commissioner Galloway asked whether staff had received any written or otherwise valid complaints or protests.

A letter of objection received from Mr. and Mrs. Luong, asking that the assessment be reduced to less than \$1,000, was read into the record by Steve Bradhurst, Water Resources Director.

Chairman Larkin discussed the staff report with Mr. Bradhurst, reiterating that the cost to each property owner had been reduced by State and federal grants from \$18,240.15 to \$4,859.47 with an additional rebate of \$2,000 from the State once the property owner has abandoned their septic system.

Chairman Larkin and Mr. Bradhurst discussed that, due to the numerous meetings beginning in April 2000, the public had knowledge regarding the mandate from the State Division of Environmental Protection to convert from septic to community sewer. From approximately late 2000 forward, due diligence should have resulted in disclosure in any real estate sales documents.

Chairman Larkin asked if there was any basis to reduce the assessment to below \$1,000 for all affected property owners. Mr. Bradhurst responded that there would not be enough money to cover the bond issue if assessments were reduced and that money would have to come from the general fund. Mr. Bradhurst stated that the ground water could be lost as a resource if nitrate levels continued to rise. Chairman Larkin pointed out that conversion to community sewer would help to protect a property owner's investment.

Commissioner Galloway asked Legal Counsel what recourse was available to the Board if there were a valid protest. Melanie Foster, Assistant District Attorney, explained that the standard applied by the Board in the past required the protestants to prove that they either do not benefit or that they benefit less than others from the project. In that circumstance, certain properties have been excluded from a district and the rate assessed to others recalculated. Commissioner Galloway stated that he did not think such action was warranted in this case.

Chairman Larkin and Mr. Bradhurst discussed what alternatives a property owner may have if they were granted an exemption and allowed to opt out of the project. Commissioner Sferrazza pointed out that the septic systems in this case have already been filled in.

In response to Commissioner Sferrazza, Mr. Bradhurst stated that no general fund money has or was going into the project.

**06-1220 RESOLUTION – SPECIAL ASSESSMENT DISTRICT NO. 37
(SPANISH SPRINGS SEWER PHASE 1A) – WATER RESOURCES**

Upon recommendation of Joe Stowell, Licensed Engineer, and Paul Orphan, Engineering Manager, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

RESOLUTION CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a); CONSIDERING COMPLAINTS, PROTESTS, AND OBJECTIONS MADE TO THE ASSESSMENTS AT THE HEARING ON THE ASSESSMENT ROLL AND MAKING DETERMINATIONS THEREON; VALIDATING AND CONFIRMING THE ASSESSMENT ROLL; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (the "County"), in the State of Nevada, pursuant to an Ordinance, adopted October 28, 2003 (the "District Ordinance"), created Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) (the "District") and ordered the acquisition of a sanitary sewer project as defined in NRS Section 271.200 (the "Project"); and

WHEREAS, the Board has heretofore determined that the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Board has heretofore determined and does hereby declare that the net cost to the County of all the improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$5,091,725.09 of which \$1,069,082.81 is to be assessed upon the benefited tracts and parcels of land in the District for the Project and \$4,022,642.28 will be paid from other sources; and

WHEREAS, the Board together with a licensed engineer of Washoe County, Nevada, Department of Water Resources, as the engineer for the County with respect to the District (the "Engineer") made out an assessment roll for the District which contains, among other things, the names and addresses of the last-known owners of the property to be assessed, or if not known stating that the name is "unknown"; a description of each lot, tract or parcel of land to be assessed; and the amount of the proposed assessment to be levied thereon; and the Engineer has reported the assessment roll to the Board and filed the same with the County Clerk; and

WHEREAS, the Board by resolution duly adopted on September 26, 2006, established a date, time and location at which the Board would hear and consider any and all complaints, protests and objections to the assessment roll and to the assessments contained therein; and

WHEREAS, the Board has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the County Clerk, and that the Board would hear and consider any and all complaints, protests or objections on Tuesday, October 24, 2006, at 5:30 p.m., at the First Floor Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada; and

WHEREAS, the Board met at the place and time to hear and consider all complaints, protests and objections made or filed; and

WHEREAS, the written and oral protests or objections were noted for the record and a copy of the minutes of the public hearing are incorporated herein by reference; and

WHEREAS, all complaints, protests and objections, both written and oral, were heard and considered by the Board on October 24, 2006, and after extensive review and deliberation hereby are found to be without sufficient merit and are hereby overruled; provided, however, that the Board has, nevertheless, concluded that it is necessary and equitable that the assessment roll be corrected and revised as follows:

<u>Parcel Number</u>	<u>Ownership</u>	<u>Revised Amount of Final Assessment</u>
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(No revisions made)

and

WHEREAS, the Board has determined and does hereby again determine, that all of the assessable property in the County which is specially benefited by the improvements acquired in the District, and only the property which is so specially benefited, is included on the assessment roll heretofore filed with the County Clerk on September 26, 2006; and

WHEREAS, the Board has determined, and does hereby determine, that the notice, both mailed and published, for the hearing held on October 24, 2006, on the assessment roll was reasonably calculated to inform each interested person of the proceedings concerning the District which may directly and adversely affect his or her legally protected rights and interests.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA:

Section 1. This resolution shall be known as and may be cited by the short title "District No. 37 (Spanish Springs Sewer Phase 1a) Assessment Protest Resolution" (the "Resolution").

Section 2. All complaints, protests and objections, both written and oral, are hereby found to be without sufficient merit and are hereby overruled, except as otherwise provided in this resolution.

Section 3. The Board hereby validates and confirms the assessment roll for the District, as made out by the Board, together with the Engineer, and filed in the records of the office of the County Clerk on September 26, 2006, is hereinabove modified, revised, corrected and made de novo.

Section 4. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the Provisions of this Resolution) concerning Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a), including, but not limited to the acquisition of the Project and the validation and confirmation of the assessment roll and the assessments therein, be, and the same hereby are, ratified, approved and confirmed.

Section 5. The Engineer and officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. All resolutions, or parts thereof, in conflict with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any Resolution or part of any Resolution heretofore repealed.

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way effect any remaining provisions of this Resolution.

Section 8. The Board has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

**06-1221 BILL NO. 1498 – CONCERNING SPECIAL ASSESSMENT
DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a
PROJECT)**

Bill No. 1498, entitled, "AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a); ASSESSING THE COST OF SANITARY SEWER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING

PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH," was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

**06-1222 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP06-015 –
SOUTHWEST TRUCKEE MEADOWS AREA PLAN – PARKS –
COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on October 13, 2006 and mailed to affected property owners on October 13, 2006 to consider Comprehensive Plan Amendment Case No. CP06-015, Washoe County Department of Regional Parks and Open Space, and the Washoe County Planning Commission's action of September 5, 2006 to approve the applicant's request to amend the Southwest Truckee Meadows Area Plan, a part of the Washoe County Comprehensive Plan. The amendment request would re-designate Assessor's Parcel Number 040-152-01 (+/-3.12 acres) and Assessor's Parcel Number 040-151-04 (+/-6.75 acres) from the land use designation of High Density Rural (HDR) to Parks and Recreation (PR). The properties are located approximately 1/5 mile north of the intersection of Davis Lane and Del Monte Lane on either side of Del Monte Lane and are addressed as 1885 and 2000 Del Monte Lane. The parcels are within the Truckee Meadows Service Area, and within the area of interest of the city of Reno, as identified by the 2002 Truckee Meadows Regional Plan. The parcels are located within Section 36, T19N, R19E, MDM, Washoe County, Nevada. The property is within the Washoe County Commission District No. 2 and within the Southwest Truckee Meadows Citizen Advisory Board boundary.

To reflect changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes include: a revised map series with updated parcel base and a revised table of land uses.

Chairman Larkin opened the public hearing.

Roger Pelham, Department of Community Development Planner, provided background information and pointed out that the amendment had been unanimously recommended by the Planning Commission.

Commissioner Sferrazza asked if the contemplated use was not allowed in the existing zoning. Mr. Pelham explained there was currently one single family dwelling on each of the two parcels, one of which would be demolished and the other may be utilized as an office for the Nevada Land Conservancy. That use was not allowed in the current zoning but would be allowed in the PR zoning. Katy Singlaub, County Manager, further explained the County provided office space for, and had a partnership with, the Nevada Land Conservancy since its inception.

There being no one else wishing to speak, Chairman Larkin closed the public hearing.

Based on the following findings, on motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Comprehensive Plan Amendment Case No. CP06-015 be approved:

FINDINGS:

1. The proposed amendments to the Southwest Truckee Meadows Area Plan are in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan;
2. The proposed amendments to the Southwest Truckee Meadows Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare;
3. The proposed amendments to the Southwest Truckee Meadows Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element, and/or the Housing Element of the Washoe County Comprehensive Plan;
4. The proposed amendments to the Southwest Truckee Meadows Area Plan will promote the desired pattern for the physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services;
5. The proposed amendment to the Southwest Truckee Meadows Area Plan is the first amendment to the Southwest Truckee Meadows Area Plan in 2006, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
6. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
7. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the County Commission from the Washoe County Board of Adjustment, and the information received during the Washoe County Commission public hearing.

It was further ordered that the Chairman be authorized to sign the resolution for the updated area plan after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.

**COMPREHENSIVE PLAN AMENDMENT CASE NO. CP06-012 –
GEORGE AND JEANNE SHAW TRUST – COMMUNITY
DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on October 13, 2006 and mailed to affected property owners on October 13, 2006 to consider Comprehensive Plan Amendment Case No. CP06-012, George and Jeanne Shaw Trust, and the September 5, 2006 Washoe County Planning Commission's alternative action on the applicant's request to amend the Verdi Area Plan, being a part of the Washoe County Comprehensive Plan. The Planning Commission's action would re-designate Assessor's Parcel Number 038-730-37 (+/-2.65 acres) from the land use designation of Public and Semi-Public Facilities (PSP) to the land use designations of Medium Density Suburban (MDS), Low Density Suburban (LDS) and Public and Semi-Public Facilities (PSP), which will allow a maximum of four dwelling units to be constructed. The applicant requested the entire parcel to be designated MDS, thus permitting eight dwelling units to be constructed. The MDS regulatory zone allows up to three residential dwelling units per acre, the LDS regulatory zone allows one dwelling unit per acre. The property is located on the west side of Cliff View Drive, directly west of the intersection of Cliff View Drive and Nighthawk Circle in the Mogul Area. The parcel is within the Truckee Meadows Service Area, and within the area of interest of the City of Reno, as identified by the 2002 Truckee Meadows Regional Plan. The parcel is located within Section 14, T19N, R18E, MDM, Washoe County, Nevada. The property is within the Washoe County Commission District No. 5 and within the Verdi Township Citizen Advisory Board boundary.

To reflect changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes include: a revised map series with updated parcel base and a revised table of land uses.

Chairman Larkin opened the public hearing.

Commissioner Sferrazza asked how the property was acquired. Roger Pelham, Planner, answered that it was sold to the applicant a number of years ago by the Verdi Meadows Utility when it was determined that it was not necessary for the water treatment plant.

In response to Commissioner Weber, Mr. Pelham explained that the parcel in question was originally intended as a water treatment facility but was not utilized in that way, and the applicant requested the parcel be changed to MDS zoning. It was determined that this was not entirely consistent with the size of the surrounding parcels and there were significant access and drainage easements on the parcel that offered no real development potential. Staff therefore made the alternate zoning recommendations, which received votes of six in favor and one opposed from the Planning Commission.

Dora Wren, the applicant's representative with Shaw Engineering, stated that they would like to see MDS zoning on the entire parcel. Ms. Wren pointed out that

the Highland Ditch easement runs north-south along many properties and is not specific to this parcel.

Teresa Vanham expressed support of staff's plan and thought it was a good compromise between what some residents would like and what the Shaw Trust would like.

Peggy Fowler stated that she wishes to see no more than two homes built, approximately one home per acre. She also objected to the projected listing price of the homes to be built, which would be lower than those of the surrounding properties.

Tom Vanham spoke in support of the plan presented by Mr. Pelham. He expressed concern that there would be no guarantee of only four houses being built if MDS were to be granted for the entire parcel.

There being no one else wishing to speak, Chairman Larkin closed the public hearing.

Commissioner Weber asked Mr. Pelham if the Verdi Citizen Advisory Board (CAB) was in agreement with staff's plan. Mr. Pelham stated that the CAB recommended LDS zoning, allowing two dwelling units to be built, and that the mixed zoning brought forward by staff represented a compromise. Commissioner Weber asked whether this was consistent with the surrounding neighborhood. Mr. Pelham responded the plan allows four dwelling units, each on approximately one-half acre. Other parcels in the neighborhood range from 0.4 acre to 0.8 acre, with an average lot size of 0.66 acre. Commissioner Weber stated that higher density did not seem appropriate to the area.

Commissioner Galloway clarified with Mr. Pelham that the PSP zoning was designated because of the easement for the water treatment plant. Commissioner Galloway asked if analysis had determined that there was no need for expansion of the water treatment plant. Mr. Pelham stated the utility sold the parcel a number of years ago and that the easement could not be developed because it is used for access to the water treatment plant. Commissioner Galloway stated that he was torn between the commitment to intensify/infill and the compatibility with the surrounding lots, indicating that three dwelling units may be more compatible.

Commissioner Sferrazza asked why staff had not recommended three lots, which seemed more consistent with adjacent parcels. Mr. Pelham responded that this was an infill development. Commissioner Sferrazza pointed out that the adjacent lots were larger than what staff had proposed and the smaller lots were not adjacent but were located across the street.

Commissioner Weber brought up that it would not be desirable to have larger parcels than the adjacent neighbors, which would be the case if only two dwelling units were approved. Sharon Kvas, Planning Manager, commented that creating two 1.3-acre parcels would also allow livestock on the property. Commissioner Weber clarified

with Ms. Fowler and Ms. Vanham the locations of their properties on the map and that they supported two and four dwelling units respectively.

A discussion ensued between Commissioner Weber, Commissioner Galloway and Ms. Kvas regarding the pros and cons of creating two, three or four lots. Ms. Kvas pointed out that it was feasible to designate a one-third acre lot as MDS and the remainder as LDS, resulting in a total of three lots. Commissioner Galloway agreed with Commissioner Sferrazza that this seemed most compatible with the neighborhood.

Commissioner Weber asked Commissioner Sferrazza if he thought that three lots represented a fair and equitable solution. Commissioner Sferrazza stated that property owners should not expect a change to lower density zoning but they have a right to object if the zoning next to them is going to be greater density than their property.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Comprehensive Plan Amendment Case No. CP06-012 be approved based on the findings below and with the following changes: the portion designated PSP would remain as recommended, one third of the remaining parcel would be designated MDS, and two-thirds of the remaining parcel would be designated LDS.

FINDINGS:

1. The proposed amendments to the Verdi Area Plan are in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan;
2. The proposed amendments to the Verdi Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare;
3. The proposed amendments to the Verdi Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element, and/or the Housing Element of the Washoe County Comprehensive Plan;
4. The proposed amendments to the Verdi Area Plan will promote the desired pattern for the physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services;
5. The proposed amendment to the Verdi Area Plan is the first amendment to the Verdi Area Plan in 2006, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

6. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
7. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the County Commission from the Washoe County Board of Adjustment, and the information received during the Washoe County Commission public hearing.

It was further ordered that the Chairman be authorized to sign the resolution for the updated area plan after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.

06-1224 RECONSIDERATION OF MODIFICATION TO CONDITION 6 OF ADMINISTRATIVE PERMIT NO. AP6-4-97 – ROCKIN’ LJ ARENA, AKA WASHOE VALLEY RANCHES/LORNE JOHNSON AND GENEYNE HODGES – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on October 13, 2006 to reconsider the number of days each month competitive, commercial, and amplified-sound events may be held under Administrative Permit No. AP6-4-97.

The facility is located on two parcels (previously five parcels, +/-25 acres) at 3185 and 3365 Lakeshore Drive, almost one-half mile north of the entrance to the Nevada State Park boat launch ramp at the end of Lakeshore Drive. The total property size is +/-14.55 acres, is designated Low Density Rural (LDR) in the South Valleys Area Plan, and is within Section 31, T17N, R20E, MDM, Washoe County, Nevada. The property is within the East Washoe Valley Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 050-320-13 and -15)

Chairman Larkin asked Assistant District Attorney Melanie Foster if the reconsideration was consistent with the Board’s rules and whether it was made within the time limits specified by the rules. Ms. Foster stated that it was.

Chairman Larkin opened the public hearing.

Paul Kelly, Community Development Planner, pointed out that Mr. Lorne Johnson was not yet present.

Commissioner Galloway clarified that the Board allowed events to be held five days per month, not taking into account that some events ran for more than one day. However, he was not comfortable with the 15 days per month previously allowed by the Board of Adjustment, as that represented more than 50 percent of the time and seemed excessive for an administrative permit.

Amy Harvey, County Clerk, stated that Jeanne Ruefer was unable to stay for public comment and had submitted a letter for the record.

Dave Hoover referred to a letter submitted to the Board one week ago by himself and a group of residents which was included in the staff report. He indicated that their major concern was the difference between the administrative permit awarded in 2004 and what was taking place today. He stated that Mr. Johnson never complied with the conditions of the permit and the County allowed Mr. Johnson to do more rather than less.

Barry Cernoch pointed out that the operation was permitted for commercial boarding with the arena to be used by boarders and 4-H. He stated his neighbor was operating six days per week, sometimes with rodeo-type events. Mr. Cernoch indicated that he is stymied that his neighbor is not properly permitted and that Planning will not draw the line. Mr. Cernoch referred to letters between himself and Mr. Kelly about noise levels, which were placed on file with the Clerk.

Jane Hoover stated she felt they were getting nowhere and that their property values were being damaged by the activity attendant to a 53,000+ square foot arena. She pointed out that the business was not there when they moved in and it would be appreciated if the Board would look closely at their rights as citizens and property owners.

Reed Simmons expressed support for Mr. Johnson and his operation. He pointed out that the current zoning would allow Mr. Johnson to do most of the things he is doing if he were not running a commercial operation. Mr. Simmons asked the Board to consider that Mr. Johnson's use of the property was consistent with other properties on the street, and he believed this enhanced the values on Lakeshore Drive.

Jennifer Behrendt expressed support for Mr. Johnson and Ms. Hodges. She stated that Mr. Johnson made every effort to accommodate his neighbors and hoped that a compromise could be reached.

Bonnie Evans stated they now have the largest indoor arena in northern Nevada in their neighborhood with big rigs pulling into the street during events. She indicated that the neighbors have compromised, going from two events per month to five events per month, and wondered why more were being considered when this was not supposed to be a commercial arena.

Ms. Harvey stated that there was no further public comment at this time but that Mr. Johnson was on his way. Chairman Larkin stated that he did not think they could reopen public comment if Mr. Johnson arrived too late. The Chairman kept the public comment period open while questions were asked.

Mr. Kelly responded to Commissioner Humke's question that he had received a copy of the October 16 letter signed by Mr. and Mrs. Hoover, Barry Cernoch,

Jeanne Ruefer, and Bonnie Evans. Mr. Kelly further responded that he thought the letter was partially accurate but asked for a few minutes to read the letter.

6:34 p.m. A short recess was taken.

6:43 p.m. The Board reconvened with all members present.

Commissioner Humke asked Mr. Kelly to restrict discussion about the letter to items related to Condition 6 in order to stay within the scope of the agenda.

Chairman Larkin reminded everyone that the Board would continue public comment after this line of questioning.

Mr. Kelly indicated that there were two statements in the letter that related to the agenda. On page one of the letter, referring to AP03-008, bullet three concerns the number of training events allowed each month. Mr. Kelly stated that the number of training events allowed each month was modified by the Board of Adjustment after their hearing and was further modified by this Board following their public hearing. The second statement is on page two toward the bottom, the third bulleted item, which concerns the number of events being limited to five days per month.

Chairman Larkin asked if there were any further public comment.

Tony Mayer stated that Mr. Johnson was in complete compliance with his permit and had taken additional steps to please his neighbors such as planting trees, adjusting the lights and sound system, and using a water truck for dust control. He further stated that the neighbors had originally agreed to the arena and then later changed their minds and become uncooperative.

Peter O'Hara outlined three main complaints caused by the arena: noise, light and smell. He stated that Mr. Johnson had presented evidence on all three issues and they were still subject to contention. He referred to an email to Mr. Johnson from Planning Commission Chairman Weber indicating that he had been to the facility and thought the facility should be expanded rather than limited.

Genevne Hodges, owner of the Rockin' LJ Arena, expressed appreciation to Mr. Kelly and Chairman Weber, who actually took the time to go out and see the facility. She indicated that things were being distorted by the neighbors and she was hoping the Board would listen to staff who had actually seen the facility.

Lorne Johnson, owner of the Rockin' LJ Arena, commented that he was looking forward to having more events per month. He stated that these events are permitted, he has the right as a property owner to do these kinds of activities without harassment of the neighbors, that he is in compliance with all County codes and requirements, and that his family has the right to run a business under these zoning premises. He pointed out that he had built a \$500,000 facility at no cost to the County and opened it to the public. Mr. Johnson related several things he had done to help a

neighbor, who gave written approval to build the arena but subsequently started a 'Save the Neighborhood' campaign rather than coming to the arena owners with his concerns.

Commissioner Sferrazza asked whether neighborhood mediation had ever been scheduled, requesting comments from each side of the issue. Ms. Hodges answered that they had not actively pursued mediation because they had been sidetracked by her medical issues. Mr. Hoover indicated that the neighbors understood it was Mr. Johnson's responsibility to schedule the mediation and they had been waiting for him to take action.

Commissioner Galloway asked Mr. Johnson whether events had been going on at the arena in the last 30 days or if those had also been canceled because of his wife's illness. Mr. Johnson answered that there had been events. Mr. Johnson indicated that he had been looking for a landscape architect to satisfy the Board's request for a landscape plan before pursuing mediation. Commissioner Galloway stated that the landscape solution was not a prerequisite to the mediation requirement and urged that Mr. Johnson contact the Neighborhood Mediation Center in order to stay in compliance with the permit. Commissioner Galloway pointed out that the Board was only considering the number of days per month in which competitive commercial events could be held and how many days amplified sound could be used. Mr. Johnson indicated that 25 percent of the month or seven days would be sufficient.

Commissioner Humke directed the Chair to the Clerk's Order dated September 30, 2006. Condition 13 clearly stated that Mr. Johnson had 60 days in which to hold the first mediation.

Commissioner Sferrazza asked the opponents present if they knew how many days events had been held since the Board's last meeting and whether Mr. Johnson had exceeded five days. Mr. Hoover responded that Mr. Johnson had not exceeded five days and that lighting was the only part of the revised administrative permit not in compliance. Mr. Hoover further stated that he and some of the other neighbors did not like the number of days in the revised permit conditions but were willing to go forward with them.

Commissioner Weber disclosed that she was not related to Bill Weber of the Planning Commission. Commissioner Weber expressed dissatisfaction with the negative comments about neighbors and stated that no decision should be made until mediation took place and all parties had been held to the permit conditions.

Chairman Larkin clarified the facts relevant to this agenda item with Mr. Kelly: 1) that the Board is reconsidering the five days per month allowed in the modification it made September 12; and, 2) that neighborhood mediation was to be scheduled no later than 60 days from that action, 43 of which have passed. Chairman Larkin stated he was not in favor of changing the number of days in any manner until the neighborhood mediation had taken place. Commissioner Sferrazza agreed that mediation should occur first.

Chairman Larkin suggested to Commissioner Humke that this agenda item be continued until the mediation requirement was satisfied.

On motion by Commissioner Humke, seconded by Chairman Larkin, which motion duly carried, it was ordered that this item be continued until after the completion of the first mediation, at which time the next hearing would be scheduled.

* * * * *

7:16 p.m. There being no further business to come before the Board, the meeting was adjourned.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Board of
County Commissioners

*Minutes Prepared by
Stacy Gonzales and Lisa McNeill
Deputy County Clerks*