

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. APRIL 18, 1995

PRESENT:

Jim Shaw, Chairman
Steve Bradhurst, Vice Chairman
Joanne Bond, Commissioner
Mike Mouliot, Commissioner
Grant Sims, Commissioner

Judi Bailey, County Clerk (Left at 12:15 p.m.)
Betty Lewis, Chief Deputy County Clerk (Arrived at 12:15 p.m.)
Robert Jasper, Assistant County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. 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:

AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that the agenda for the April 18, 1995 meeting be approved with the following amendments: Delete -- Item 15A - Memorandum of Understanding governing the formation of the Truckee Meadows Community Service Workstation Network, and Item 15B - Request to submit two Community Development Block Grants to the State of Nevada.

MINUTES

Commissioner Sims referred to a statement in the March 21, 1995 minutes under Item No. 95-193 relative to Nancy Paolini's comments regarding county jail population. He stated that he did not believe Ms. Paolini made the comment as noted and requested that staff verify this. Judi Bailey, County Clerk, advised that she would check into the matter.

On motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meeting of March 21, 1995 be acknowledged and the regular meeting of March 28, 1995 be approved.

PUBLIC COMMENTS

Bertha Mullens, Vice President, Bethel Housing Development Corporation, requested information as to why item 15B was removed from the agenda. She stated that they are a nonprofit corporation concerned about building affordable low income housing for senior citizens; that they met the deadline for submitting the application and feel the proper process was followed; that they have expended a great deal of effort to receive other support in the community and meet the deadline; and that she is concerned about the process here today.

Chairman Shaw advised that the Board cannot discuss this item as it was pulled from the agenda, but that Mike McMahon, Human Services Coordinator, could respond to the questions raised after the meeting.

Ms. Mullens encouraged that the item be placed on the Board's next agenda due to the guidelines set by the State for receiving grant applications from the County.

Eileen Pecard, Affordable Housing Resource Council, stated that they worked with the Bethel Housing Development Corporation on the application and advised that federal funds are involved in the process, and application decisions are based on the different

funding resources available.

Commissioner Bradhurst suggested that this item be placed on the next Board agenda and requested that the applicants submit their concerns in writing to the Chairman.

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95-271 WORK CARD PERMIT APPEAL - MARTHA L. MORSE

This appeal was considered on Monday, APRIL 17, 1995, at 1:30 P.M., prior to the Caucus meeting, the Board having convened with Commissioner Sims absent and all other members of the Board present and Chairman Shaw presiding to consider the appeal of MARTHA L. MORSE from the recommendation of the Sheriff's office to deny her work permit application.

On motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, the Board convened in closed personnel session to hear testimony as to why the work card should be granted. It was noted that the appellant was not in attendance, and following the closed personnel session, the Board reconvened in open session wherein the following action was taken.

On motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, it was ordered that the appeal hearing be continued until such time as the appellant may be in attendance.

* * * * *

95-272 PROCLAMATION - LAW LIBRARY DAY - MAY 4, 1995

Judi Bailey, County Clerk, read the Proclamation designating Washoe County Law Library Day.

On motion by the Board as a whole, it was ordered that the following Proclamation be adopted:

P R O C L A M A T I O N

WHEREAS, The Washoe County Law Library will observe its 80th anniversary of service to the citizens of Washoe County on May 4, 1995; and

WHEREAS, Access to laws by the public is essential to democratic government and a responsible and informed citizenry, as well as a smoothly functioning county government responsive to the needs of its citizens; and

WHEREAS, Northern Nevada citizens of low and moderate means have many unmet civil legal needs as determined in the recent State Bar of Nevada Report on the Civil Legal Needs of Low-and Moderate-Income Nevadans; and

WHEREAS, Many Washoe County agencies, legal service organizations assisting indigent and special populations, and other legal practitioners representing low and moderate income citizens, depend heavily on the staff and resources of the Law Library, and daily refer members of the public to the Law Library; and

WHEREAS, The Law Library is the only public law library in Washoe County free and open to the public seven days a week, as well as evenings; and

WHEREAS, The Law Library is governed by a Board of Trustees composed of volunteers from the local public, bench and bar, who serve faithfully without recompense, and whose current members are:

Bruce T. Beesley, Chair

Hon. Brent Adams

Chris McCune

Hon. Deborah A. Agosti

Hon. Peter I. Breen

Valerie Cooke Skau

and

WHEREAS, The Board of County Commissioners, the Board of Law Library Trustees, and other members of the county government and public have been fortunate to enjoy the professional, constant and competent services of the Law Library staff and especially its directors, who have been:

Dorothy M. Jepson	1921-1930
Una Reilly Dickerson	1930-1956
Anna Pollock	1956-1968
Helen Hotchkiss	1968-1978
Mary Anne Royle	1978-1981
Sandra Marz	1981-present

now therefore, be it

PROCLAIMED, THAT THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, Hereby declares May 4, 1995 as Washoe County Law Library Day; and be it further

PROCLAIMED, That the Board does hereby express its appreciation to the Board of Trustees and staff of the Law Library; and be it further

PROCLAIMED, That the Board encourages all citizens of Washoe County, public patrons of the Law Library, staff of other libraries, attorneys, legal staff, judges and other government officials served by the Law Library to also express their appreciation to the Law Library for its 80 years of service; and be it further

PROCLAIMED, That the board supports the community and the Law Library Board of Trustees in such commemorative celebrations as may be consistent with this proclamation of appreciation and recognition of 80- years of public law library service to Washoe County.

95-273 APPOINTMENT - LAW LIBRARY BOARD OF TRUSTEES

Sandy Marz, Law Library Director, advised that, pursuant to Board direction at the February 28, 1995 meeting, an advertisement for board members for the Law Library was placed in the local newspaper on two separate occasions; that four applications and resumes were received and she interviewed each applicant by telephone; and that a list of applicants in order of recommendation has been presented, and she recommends the appointment of Pat Pusich.

Upon inquiry of Chairman Shaw, Ms. Marz stated that no one else participated in the interview process and there was no recommendation from the Board as to how the process was to be completed.

Chairman Shaw stated that, perhaps the Board was at fault, but that the procedure he believes the Board wishes to follow is for one Commissioner to serve on the interview committee for positions to be filled on Boards and Commissions.

Ms. Marz advised that the procedure she followed was utilized in the past and she was not aware of the Board's desire. She asked if it would be possible to make an appointment at this time as the position has been vacant for several months and advised that two appointments will be needed in January, at which time the Board's request would be followed.

Following discussion, upon recommendation of Sandy Marz, Law Library Director, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Pat Pusich be appointed to a non-attorney position on the Law Library Board of Trustees for a two-year term.

On motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that Commissioner Bond be appointed as Liaison to Project ReStart.

95-275 RESOLUTION - NOTICE OF INTENT TO SELL COUNTY PROPERTY - PUBLIC WORKS

9:30 a.m. This was the time set in a Resolution and Notice of Intent to Sell County Property published in the Reno Gazette-Journal on March 28 and April 4, 1995 for the acceptance of additional offers, if any, to purchase County owned property in the Panther Valley area at West Ranger Road and U.S. 395 North. Proof was made that due and legal Notice had been given.

Chairman Shaw stated that now is the time and place to accept sealed bids and/or oral offers for the purchase of county owned property at West Ranger Road and U.S. 395 North, being APN 082-456-02; and that the resolution and notification required by NRS 244.282 have been followed.

James Gale, Department of Public Works, advised that an offer was received from Don and Rosamond Gordon, the adjoining property owners, to purchase the county parcel; that the Board accepted their offer on March 21, 1995 and authorized the placement of a resolution in the Reno-Gazette Journal asking for additional offers; and that no additional written offers have been received.

Chairman Shaw called for oral bids on the subject property and there was no response. Chairman Shaw then opened the public hearing and called on anyone wishing to speak. There being no response the public hearing was closed.

Upon recommendation of James Gale, Sr. Property Agent, through Craig McConnell, Director, Department of Public Works, on motion by Commissioner Mouliot, seconded by Commissioner Sims, which motion duly carried, it was ordered that the bid for purchase of the county owned property by Don and Rosamond Gordon for the appraised value of \$550 plus the \$250 title report fee and \$70 publication fee, be accepted and staff be directed to prepare the Resolution of Acceptance pursuant to State Statute to be presented to the Board on May 9, 1995.

It was further ordered that the Quitclaim Deed between Washoe County, Grantor, and Don M. and Rosamond E. Gordon, Grantees, be approved and Chairman Shaw be authorized to execute.

95-276 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA94-SV-1 - STEAMBOAT PROPERTIES - COMPREHENSIVE PLANNING

9:30 a.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on April 7, 1995 to consider the recommendation of the Washoe County Planning Commission to approve a request by Steamboat Properties to amend the South Valleys and Southeast Truckee Meadows Area Plans Land Use Plan Maps for an area on the east side of U.S. Highway 395 (South Virginia Street) north of Rhodes Road and south of the Mt. Rose Highway/Geiger Grade intersection, with the adopted land use designations for the subject parcels including Specific Plan (SP: Commercial/Business Specific Plan), General Rural (GR: 1 dwelling unit per 40 acres due to slope and floodplain constraints) and High Density Suburban (HDS: 7 dwelling units per 1 acre or 9 dwelling units per acre for attached single family or mobile homes). It was noted that the amendment request proposes the land use designations of General Commercial (GC), Low Density Suburban (LDS: 1 dwelling unit per acre), Medium Density Suburban (MDS: 3 dwelling units per acre) and GC on parcels including 017-020-01, 15, 017-301-01, 02, 09, 23, and 24, excepting those areas with slope or floodplain constraints which will remain as GR, being situated in a portion of Sections 28 and 33, T18N, R20E, MDM, Washoe County, Nevada.

Skip Canfield, Planner, Department of Comprehensive Planning, reviewed background information and presented maps depicting the location of the subject area. He provided additional information in response to issues raised at yesterday's caucus and answered questions of the Board. Mr. Canfield reviewed the various issues and advised that the proposed amendment represents much compromise as a result of the public hearing and advisory board process.

Roy Hibdon, Engineer, representing Steamboat Properties, provided additional maps of the area and advised that Dorothy Towne,

owner of Steamboat properties and her son, Jay Woodward, were present. He provided background information and reviewed their request for the entire area north of Rhodes Road to be designated MDS with a one-acre buffer just north of Rhodes Road. He commented that the land use designation adopted in the area plan basically downzones the subject property; that the property has been in the same family since 1908, the existing zoning has been on the property for 35 years, taxes have been paid on that zoning, and there is a vested economic interest in the property; and that they have tried to provide a plan that would protect Steamboat Properties assets in their effort toward neighborly consideration. Mr. Hibdon stated that the original plan would have generated approximately 146 units, the existing zoning allows for approximately 119 units, the original staff's recommendation was for approximately 155 units, and the recommended Planning Commission alternative will generate only 70 units; that the issue becomes a matter of equity and fairness; and that the Planning Commission's recommendation is not a compromise as there is no equity in that there is a taking without just compensation. He presented photographs of properties along Rhodes Road to show their request to be consistent with surrounding properties. Mr. Hibdon then discussed density transfer issues and land use categories.

Chairman Shaw opened the public hearing and called on those wishing to speak.

Jeanne Johnson, Secretary/Treasurer, Mt. Rose Geiger Grade Citizen Advisory Board, advised that this issue has been ongoing since November, 1994 and has gone through many public hearings. She stated that the Rhodes Road area is very unique; that the Rhodes Road residents presented a very strong argument to support their cause for not wanting the land use changes requested by the applicant; and that based upon that testimony, the CAB rescinded their original motion and now recommends 1 dwelling unit per acre with a greenbelt area along Steamboat Creek. Ms. Johnson answered questions of the Board and explained that the Rhodes Road residents were not informed of the first CAB meeting when the original motion was adopted, and that the CAB should have taken the time to look at the property and the impacts the first proposal would have. She then discussed South Valleys Area Plan Policies SV.2.5 and SV.2.5(C) and stated that the CAB believes the applicant's request for MDS would not be in conformance with those policies.

John Rhodes, Rhodes Road resident, advised that he was speaking on behalf of his family and a great many neighbors who could not be present today; that they are requesting that the Board approve the Planning Commission's recommendation, which they feel does represent a compromise; that the staff's initial recommendation was made before the Rhodes Road residents knew of this issue; and that after staff received their input, a second staff recommendation was made, which was adopted by the Planning Commission and is being presented to the Board today. He advised that a petition was presented to the Planning Commission signed by approximately 200 residents that live in the immediate vicinity opposing any medium density development in the subject area, based on the fact that the requested change is not consistent with the present land use designation, prior zoning, or the South Valleys area plan, and is not compatible with adjacent land uses. Mr. Rhodes further commented that Mr. Hibdon's photographs of residential properties are not indicative of the area, and he conducted a video presentation depicting the area including surrounding properties and where the applicant wants to develop. He then stated the residents are not opposed to change or development but want it to be responsible and compatible.

Myrtle McDowell, President, Pleasant and Steamboat Valleys Landowners Association, read a Resolution adopted by their Board of Directors and presented to the Planning Commission stating that the application of Steamboat Properties to allow a medium density suburban land use in the Steamboat Valley would significantly and adversely reduce the quality of life of the Association's membership, and the membership opposes the application and upholds low density residential development in Steamboat and Pleasant Valleys consistent with the spirit and intent of the South Valleys Area Plan.

Jackie Gearhart, Larry Monroe, and Fred Gearhart, area residents, spoke in opposition to the applicants request and expressed concerns relative to flooding, increased traffic, etc.

Mr. Hibdon then discussed South Valleys Area Plan Policy SV.2.5 stating that their request that unconstrained lands be designated MDS has nothing to do with that policy; that they agree the constrained lands should remain general rural; that the only people the Board has heard from today are those south of Rhodes Road and nothing has been heard from those people on the north side; that the applicant's request is compatible with surrounding land use and the photographs he presented accurately show this; and that they are not proposing a project at this time, and any issues relating to traffic, water, sewer, etc. would come before the Board if and when a project is proposed.

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

Mr. Canfield responded to questions of the Board regarding the comprehensive plan amendment process, the applicant's land use options, legal findings the Board must make, Policy SV.2.5, density transfer issues, etc.

He explained that the original staff recommendation represented a compromise based on information provided by the Advisory Board and the applicant, and the second recommendation resulted from the new input provided by the Rhodes Road residents. He noted that there are many variations staff would support based on citizen concerns and adherence to the comprehensive plan policy, and staff now supports the Planning Commission recommendation based on the most recent public input.

Commissioner Bradhurst stated that he feels the Planning Commission recommendation moves toward equity and is an enhancement of the applicant's development rights over the adopted land use plan. He discussed other possible options and Mr. Canfield commented that the Development Code states that if the Board desires to modify the recommendation, it would need to go back to the Planning Commission for their consideration.

Chairman Shaw stated that the issue of equity is important and feels the Planning Commission's recommendation is fair and equitable for all concerned.

Commissioner Sims expressed concern about the equity of the property owner and his belief that equity exists in the plan and is consistent with the rural character of the area.

Following further discussion, based on the findings that:

1. The proposed amendment to the South Valleys and Southeast Truckee Meadows Area Plans is in substantial compliance with the policies and action programs of the Comprehensive Plan.
2. The proposed amendment to the South Valleys and Southeast Truckee Meadows Area Plans would result in land uses which are compatible with existing or planned adjacent land uses, and would not adversely impact the public health, safety or welfare. Existing residential land uses south of Rhodes Road are compatible with the proposed land use designations.
3. The proposed amendment to the South Valleys and Southeast Truckee Meadows Area Plans will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan, Steamboat Creek, and slopes over 15% will remain General Rural.
4. The proposed amendment to the South Valleys and Southeast Truckee Meadows Area Plans responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land. The Commercial/Business SP process has not begun and the applicant wishes to proceed with development of the property according to the procedure allowed in the Washoe County Development Code.
5. The Washoe County Planning Commission public hearing prior to adoption of the proposed amendment has been properly noticed in a newspaper of general circulation in Washoe County as prescribed under Nevada Revised Statutes 278.210 (1).
6. The Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing(s).
7. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the public hearings.

on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that Comprehensive Plan Amendment Case No. CPA94-SV-1 for Steamboat Properties as recommended by the Planning Commission be approved.

Chairman Shaw advised that this item was discussed at yesterday's caucus meeting.

Karen Mullen, Parks Department, reviewed the Sierra Sage Golf Course development plan and responded to questions of the Board.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the 1994 Sierra Sage Golf Course Development Report be approved.

95-278 REQUEST FOR PROPOSAL (RFP) - SIERRA SAGE RESTAURANT/BAR CONCESSIONAIRE - RFP NO. 1806-95 - PARKS AND RECREATION

This was the time to consider acceptance of proposal, Notice for receipt of sealed bids having been published in the Reno Gazette-Journal on December 28, 1994, and a Request For Proposal (RFP) sent to twenty-two, prequalified, prospective Proposers, for Sierra Sage Restaurant/Bar Concessionaire for the Parks and Recreation Department. Proof was made that due and legal Notice had been given.

Proposals, copies of which were placed on file with the Clerk, were received from the following vendors:

Mike Mitchell Rob Seaton (Bogie Enterprises)
Marriott Management Services Corp.

Ronald W. Haslem (Zachary Taylors, Inc.) withdrew their proposal, and Gardner Merchant Food Service, Inc. and Professional Food-Service Management, Inc. (PEM) submitted No-Bid responses. 19th Hole Restaurant, American Opportunities, Aramark Corporation, Canteen Corporation, Caterair International, CFM Inc., Club Corp. of America, Continental Catering, Davo's, Fairfield Foods, Golden Acorn Restaurant, Graeagle Meadows Golf Course, KMS Catering, Northwest Food Service Inc., Pedus Service, Premier Food Services, and Remedees failed to respond to the invitation to bid.

Charlene Collins, Purchasing Department, and Karen Mullen, Parks and Recreation, responded to questions of the Board.

Upon recommendation of John Balentine, Purchasing and Contract Administrator, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that RFP No. 1806-95 for Sierra Sage Restaurant/Bar Concessionaire for the Parks and Recreation Department be awarded to the most responsive, responsible Proposer, Mike Mitchell and Rob Seaton, a proposed partnership, Bogie Enterprises, as follows:

Minimum Concession Fee from 6-1-95 through 12-31-95	\$ 600.00/per mo.
Minimum Concession Fee from 1-1-96 through 12-31-2000	\$1,200.00/per mo.
Percentage of Gross Receipts 2%	

It was further ordered that the Chairman be authorized to execute a sixty-seven month Agreement for said services, commencing June 1, 1995 through December 31, 2000, with the County retaining an option to renew for an additional period of five years.

It was noted that the minimum concession for the initial agreement period shall adjust automatically, on an annual basis, beginning January 1, 1997 in accordance with the Consumer Price Index for the previous year, not to exceed 5% annually; that the minimum concession fee and percentage of gross receipts shall be subject to renegotiations prior to renewal of the Agreement; and that the Agreement has been reviewed and approved by the District Attorney's office, the Risk Manager, the General Services Department, and the Parks and Recreation Department, and is currently under final review by Mike Mitchell and Rob Seaton.

95-279 RESOLUTION - WAIVER OF COMPREHENSIVE PLAN AMENDMENT UNDER CERTAIN CIRCUMSTANCES

Dean Diederich, Department of Comprehensive Planning, responded to questions of the Board and advised that the proposed resolution

is presented pursuant to concerns expressed by Commissioners Bond and Mouliot regarding the waiving of filing fees for a Comprehensive Plan Amendment when a building owner wishes to expand a building, which was a legal use prior to the adoption of the County Development Code, but is now a "nonconforming" use.

Following discussion, upon recommendation of Dean Diederich, Department of Comprehensive Planning, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Shaw be authorized to execute on behalf of the Board:

RESOLUTION-ALLOWING FOR THE FEE TO BE WAIVED FOR A COMPREHENSIVE PLAN AMENDMENT UNDER CERTAIN CIRCUMSTANCES

WHEREAS, Section 110.906.05 of the Washoe County Code provides for the adoption by Resolution of a Master Fee Schedule setting forth the fees for processing applications under the Development Code;

WHEREAS, the most recently adopted Amendments to the Master Fee Schedule for Processing Applications under Chapter 110 of the Washoe County Code (Development Code) were adopted on July 26, 1994;

WHEREAS, The Washoe County Commission is concerned about the unfairness of requiring the property owner of an existing structure to pay the filing fees for a Comprehensive Plan Amendment request when the use was considered legal prior to the adoption of the Washoe County Development Code;

WHEREAS, Section 110.906.05 of the Washoe County Code allows the provisions of the Master Fee Schedule to be waived as part of the adoption resolution;

WHEREAS, The waiver of the filing fees for the Comprehensive Plan Amendment request would not constitute or guarantee support or approval of the request by the Washoe County Board of County Commissioners; and

WHEREAS, It is the desire of the Washoe County Board of County Commissioners to waive the filing fees for a Comprehensive Plan Amendment request when all of the following conditions apply:

1. When the Comprehensive Plan Amendment request is for a parcel or parcels subject to the provisions of Section 110.106.10, Transition Process, of the Washoe County Development Code;
2. When the parcel has an existing structure which would be defined as nonconforming for a use under Section 110.904.30, Nonconforming Structure, as defined in Article 302, Allowed Uses, of the Washoe County Development Code;
3. When the requested land use regulatory zone would allow for the existing use with the structure and thereby eliminate the nonconforming status;

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby waive the filing fee for Comprehensive Plan Amendment request for parcels which meet the conditions as stated above.

95-280 CORRECTION OF FACTUAL ERRORS - 1994 SECURED TAX ROLL (THREE) AND SUPPLEMENTAL TAX ROLL (TWO)

Commissioner Bradhurst stated that at yesterday's caucus the Board requested information as to whether or not L. W. Blake provides indigent care.

Madelyn Shipman, Legal Counsel, advised that State law requires that a hospital accept indigents, and being in that status satisfies the provision of the law whether or not a hospital actually has indigents.

Commissioner Bradhurst suggested that a letter be sent to L.W. Blake apprising them of this requirement.

Following discussion, upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that Roll Change Request Nos. 167, 168, and 169 for the 1994 Secured Roll and Nos. 166 and 167 for the 1994 Supplemental Tax Roll, correcting factual errors on tax bills already mailed, be approved for the reasons indicated thereon and mailed to the property owner(s), a copy of which is on file in the Clerk's office.

It was further ordered that a letter be sent to L. W. Blake Foundation, with a copy to May Shelton, Director, Department of Social Services, pointing out the requirement to accept indigents and advising that if they are not accepting indigents they would not qualify for the tax exempt status.

95-281 REFUND OF TAXES - CENTER STREET MISSION, INC. - APN 008-181-04 - FISCAL YEARS 1993-1994 AND 1994-1995

Upon recommendation of James Barnes, Deputy District Attorney, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute on behalf of Washoe County:

RESOLUTION -- Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240 has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, Center Street Mission, Inc. (Taxpayer) made application for the refund of 1993-1994 and 1994-1995 real property taxes because escrow closed on Taxpayer's property, APN 008-181-04, which qualified for exemption, on January 25, 1994; and

WHEREAS, Center Street Mission, Inc. has overpaid taxes for fiscal years 1993-1994 and 1994-1995 in the amount of \$520.70; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY as follows:

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Center Street Mission, Inc. a total of \$520.70; that amount being the taxes overpaid by Center Street Mission, Inc. for the tax years 1993-1994 and 1994-1995 on APN 008-181-04.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity who has shared in the excess of the taxes collected in error for their pro rata share of the refund.

95-282 REFUND OF TAXES - CENTER STREET MISSION, INC. - APN 012-072-03 - FISCAL YEAR 1994-1995

Upon recommendation of James Barnes, Deputy District Attorney, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute on behalf of Washoe County:

RESOLUTION -- Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240 has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, Center Street Mission, Inc. (Taxpayer) made application for the refund of 1994-1995 real property taxes because escrow closed on Taxpayer's property, APN 012-072-03, which qualified for exemption, on November 17, 1994; and

WHEREAS, Center Street Mission, Inc. has overpaid taxes for fiscal years 1994-1995 in the amount of \$685.44; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY as follows:

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Center Street Mission, Inc. a total of \$685.44; that amount being the taxes overpaid by Center Street Mission, Inc. for the tax year 1994-1995 on APN 012-072-03.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity who has shared in the excess of the taxes collected in error for their pro rata share of the refund.

95-283 TRAVEL

On motion by Commissioner Mouliot, seconded by Commissioner Sims, which motion duly carried, Chairman Shaw ordered that the following travel requests and advancement of travel funds be approved:

Name	Department	Destination	Date	Amount
D. Ballam	Sheriff	Las Vegas, NV	7/08/95 - 7/12/95	\$835.00
J. Nadeua	Sheriff	Las Vegas, NV	7/08/95 - 7/12/95	\$835.00
J. Reilly	Cooperative Extension	Las Vegas, NV	5/10/95 - 5/12/95	\$361.20

95-284 COURSE ENROLLMENT - BARBARA JAECK - LIBRARY

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Barbara Jaeck, Library Assistant II, be granted approval to enroll in a course at Truckee Meadows Community College entitled, "Library Science 303," at the University of Nevada, Reno and to seek reimbursement for expenses upon satisfactory completion of the course with a grade of "B" or better.

95-285 RESOLUTION - LONGEVITY PAY, COMPENSATORY TIME, UNIFORM ALLOWANCE, AND PHYSICAL MAINTENANCE PROGRAM - PERSONNEL NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT - SHERIFF

Commissioner Sims, in addressing his concern regarding longevity pay, commented that he feels it is vitally important that a system be in place to insure that the quality of service in the Sheriff's Office is maintained at the current level, and inquired how longevity pay may be used to assure that. Howard Reynolds, Assistant County Manager-Personnel, advised that in order to receive longevity pay, an employee must receive a standard or above standard performance review; that instances have occurred where employees received a below standard review and did not get the longevity pay; and that the controls are in place if they are exercised appropriately. He stated that the Sheriff's Office does a good job in evaluating performances.

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Shaw be authorized to execute on behalf of the Board:

RESOLUTION-ADOPTING LONGEVITY PAY, COMPENSATORY TIME, UNIFORM ALLOWANCE, AND PHYSICAL MAINTENANCE PROGRAM PROVISIONS FOR CHIEF DEPUTY SHERIFF PERSONNEL NOT OTHERWISE COVERED BY A COLLECTIVE BARGAINING AGREEMENT

WHEREAS, the Board of County Commissioners of Washoe County has ratified a collective bargaining agreement with the Washoe County Sheriff's Supervisory Deputies Association on March 21, 1995, which provides, among other things, for longevity pay, compensatory time, uniform allowance, and a physical maintenance program; and

WHEREAS, the Sheriff of Washoe County desires to provide similar benefits of longevity pay, compensatory time, uniform allowance,

and physical maintenance program to those Chief Deputy Sheriff personnel who are not covered by a collective bargaining agreement, as their working conditions are comparable to bargaining unit employees; and

WHEREAS, the Sheriff of Washoe County desires to provide these similar benefits based upon the current collective bargaining agreement as a guide only and without providing or extending any other provisions of that agreement and without committing to make changes to these benefits based upon future collective bargaining agreements.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Washoe County as follows:

1. Applicability of Resolution. For purposes of this Resolution, Chief Deputy Sheriff personnel are employees of the Washoe County Sheriff's Office holding the title of Chief Deputy Sheriff and who are not otherwise covered by the terms of a collective bargaining agreement.
2. Longevity Pay. Chief Deputy Sheriff personnel who have completed a total of five (5) years or more of full-time service with Washoe County shall be entitled to longevity pay in an amount equal to one-quarter of one percent (.25%) of the annual base salary for each year of service, up to a maximum of five percent (5%) for twenty (20) or more years of service. An employee's eligibility for longevity pay shall be reviewed as of June 1 and December 1 of each year with payment to be effected in equal semi-annual installments payable on the first payday of June and December immediately following a determination of eligibility.
3. Compensatory Time. Chief Deputy Sheriff personnel may elect to be compensated for overtime work in either cash or accrued compensatory time. Compensatory time shall be accumulated at the same rate as overtime is paid. Employees may accumulate a maximum of four hundred eighty (480) hours of compensatory time.
4. Uniform Allowance. The County of Washoe shall pay to every Chief Deputy Sheriff a uniform allowance at the rate of one hundred twenty (\$120.00) per quarter, payable quarterly the first payday in April, July, October, and the last payday in December.
5. Physical Maintenance Program. Chief Deputy Sheriff personnel shall be required to participate in a Physical Maintenance Program for which they will be tested semi-annually.

The Sheriff shall adopt rules and procedures for the purpose of implementing and administering the Physical Maintenance Program that are consistent with those governing the then existing supervisory deputies' physical maintenance program.

The test and the standards utilized will be those developed by the Institute for Aerobics Research in Dallas, Texas. It will consist of five (5) parts: one and one-half (1.5) mile run, sit and reach, one (1) minute sit-up-number, one (1) repetition maximum bench press, and one (1) repetition maximum leg press. A one-mile walk may be performed in lieu of the run, which will be given a numerical score just as the other components (i.e., 40% to pass, 50%, 60%, etc.). The score from the walk will be included with the other test scores to determine the employee's eligibility for the salary incentive. A stationary bicycle test may be substituted for the one and one-half (1.5) mile run provided that comparable standards can be utilized to ensure that the same level of cardiovascular fitness is measured.

The minimum standard shall be a score of at least the fortieth (40th) percentile in each of the five (5) areas tested. Chief Deputy Sheriff personnel shall be required to maintain the passing standard during their employment. If they fail to meet the passing standard during any testing period, they will have a period of six (6) months to pass. Any Chief Deputy Sheriff who fails to pass at the end of the applicable time period, may be subject to disciplinary action, up to and including termination or disability retirement, or in some other way removed from his or her position as a peace officer. Prior to such action, however, the Sheriff shall seek a medical opinion as to the Chief Deputy Sheriff's fitness to perform his or her duties. If the employee wishes, he or she shall be permitted to seek a second medical opinion. In the event of conflicting opinions, the Sheriff shall select a physician for a third medical opinion.

The employee may appear before the Sheriff and present any and all evidence on his or her behalf.

Those employees who successfully pass the Physical Maintenance Test and who have achieved the following average scores, shall receive the following additional salary increases above their regular base pay until retested.

Retesting shall occur every six (6) months.

Average Percentile Score	Additional Salary
60	1%
70	2%
80	3%
90	5%

An employee must achieve an average score of at least sixty percent (60%) with no individual score below the fortieth (40th) percentile in order to be eligible for the additional incentive pay. The average percentile score will be determined by using the percentiles listed above, in addition to the fortieth (40th) and/or the fiftieth (50th) percentile if applicable, rather than the actual score. For example, if an employee who scored an eighty-two (82) on one part, eighty percent (80%) would be used for that part for computing the average.

6. Effective Date. The effective date for this Resolution shall be from and after April 18, 1995. The provisions of this Resolution shall continue thereafter in full force and effect until further modified or amended by the Board of County Commissioners.

95-286 RATIFICATION - FY 1994-95 AND 1995-96 COLLECTIVE BARGAINING AGREEMENT - DISTRICT ATTORNEYS INVESTIGATORS' ASSOCIATION

Upon recommendation of Howard Reynolds, Assistant County Manager-Personnel, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the Collective Bargaining Agreement with the District Attorney Investigators' Association for Fiscal Years 1994-95 and 1995-96 be ratified.

95-287 GRANT - TELECOMMUNICATIONS AND INFORMATION INFRASTRUCTURE ASSISTANCE PROGRAM GRANT (TIIAP) - U. S. DEPARTMENT OF COMMERCE - HEALTH AND HUMAN SERVICES

Commissioner Bradhurst commented that, pursuant to discussion at yesterday's caucus, it is his understanding that the grant amount is \$1.3 million. Robert Jasper, Assistant County Manager, concurred and advised that the Human Services Coordinator will indicate grant amounts on future requests.

On motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, it was ordered that the submission of a Telecommunications and Information Infrastructure Assistance Program (TIIAP) Grant to the U.S. Department of Commerce be approved and Chairman Shaw be authorized to execute.

It was noted there is no fiscal impact to Washoe County as TIIAP funds are federal dollars; and that Washoe County will be the administrator and manager of the funds.

95-288 AWARD OF BID - UNIFORM RENTAL SERVICES - BID NO. 1820-95 - GENERAL SERVICES, PARKS AND RECREATION, AND HEALTH DEPARTMENTS

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on February 20, 1995, for Uniform Rental Services for the General Services, Parks and Recreation and District Health Departments. Proof was made that due and legal Notice to Bidders had been given.

One qualifying bid, copy of which was placed on file with the Clerk, was received from the following vendor:

American Linen

Aramark Uniform Services and Mission Uniform Linen Service submitted "No Bid" responses.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Bid No. 1820-95 for Uniform Rental Services for the General Services, Parks and Recreation, and District Health Departments be awarded to the sole bidder, American Linen, in the approximate amount of \$24,000 for a two year period.

It was further ordered that the Purchasing and Contracts Administrator be authorized to enter in a two-year Agreement for said services, commencing June 1, 1995 through May 31, 1997, with a one year renewal option; and that the Purchasing and Contracts Administrator be authorized to amend said Agreement to allow the addition of other County Departments, and/or other uniform rental items, based upon specific departmental needs.

It was noted that the pricing for the initial agreement period shall remain firm, unless satisfactory demonstration of force majeure necessitates a review of the pricing offered; and that the renewal option year pricing shall be subject to renegotiations.

95-289 AWARD OF CONSTRUCTION BID - SUN VALLEY PARK RECREATION CENTER - PUBLIC WORKS

This was the time to consider award of construction bid, Notice to Contractors for receipt of sealed bids having been published in the Reno Gazette-Journal on March 17 and 23, 1995 for the Sun Valley Park Recreation Center. Proof was made that due and legal Notice to Bidders had been given.

Bids were received from the following vendors:

COMPANY	BASE BID	ALT #1	ALT #2	ALT #3	ALT #4
Isbell Const.	\$419,249.00	\$5,500.00	\$11,400.00	\$12,500.00	\$ 4,500.00
Ferrell Const.	448,350.00	1,048.00	12,878.00	16,348.00	8,186.00
Fettig Const.	458,888.00	4,500.00	8,800.00	15,800.00	7,200.00
Callahan/St. John	471,500.00	1,500.00	19,100.00	18,000.00	-10,000.00
Grashuis Bldrs.	519,945.00	3,768.00	15,386.00	8,380.00	26,584.00

Commissioner Bond stated that she had questions relative to the layout of the park facility as it relates to Community Development Block Grant requirements.

Following discussion, this item was continued to the 7:00 p.m. meeting at Warm Springs, at which time the Board made the following motion:

Upon recommendation of Craig McConnell, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Construction Bid for the Sun Valley Park Recreation Center be awarded to the low bidder, Isbell Construction, Inc., in the total amount of \$443,149, consisting of the Base Bid (\$419,249) plus Additive Alternatives No. 2 3 (\$23,900) and Chairman Shaw be authorized to execute the contractual documents on presentation.

95-290 REQUEST FOR PROPOSAL NO. 1819-95 - COMPUTER CONTRACT SERVICES - MANAGEMENT INFORMATION SERVICES

This was the time to consider award of proposal, Notice to Proposers for receipt of sealed proposals having been published in the Reno Gazette-Journal on January 27, 1995, for Computer Contract Services for the Management Information Services (MIS) Department. Proof was made that due and legal Notice to Bidders had been given.

Bids were received from the following companies:

NPA West

Pilot Computer Services
Prodata, Inc.
Telos, Corp.

Datatronics Management, Inc. submitted a "No-Bid" response. Complete Business Solutions, I.B.M. Corporation, Ogden Government Services, and Unisys failed to respond to the invitation to bid.

Robert Jasper, Assistant County Manager-Finance, responded to questions of the Board and advised that expenditures would be made only as services are rendered; that the County is moving into a Windows environment which has created an excessive workload for MIS, resulting in some delay in installing computers; and that if a department does not want to wait for MIS and can cover the cost in its base budget, this would allow for utilization of one of the prequalified firms for installation.

Commissioner Mouliot expressed concern that the companies are based out of state, which may affect their ability to be available when needed.

Commissioner Bond stated that she feels the request may be premature as many of the computers have not been ordered yet.

Ron Wolff, Director, Management Information Services, provided information regarding the proposed companies and their locations and references. He advised that the estimated cost is based on the 200 PC's ordered from base budget last year; that all monies allocated to the services agreement would come out of base budget; that the Proposers responded to a service agreement wherein they would assist MIS staff when necessary in the impending workload; and that the biggest problem right now is finding people to install the PC's. He advised that their goal of June 30th for completion of installation cannot be met with MIS staff; and that the Courthouse Complex will be coming on line next year and will require an extraordinary amount of technical resources.

Commissioner Mouliot stated that more specific information needs to be presented regarding what services the companies would actually provide; that there should be sufficient staff to install computers; and that local people are available that could provide additional services if necessary.

Commissioner Bradhurst stated that he also believes more information is needed and is not prepared to move forward on the recommendation until the Board's concerns are fully addressed. He suggested that Board members document their questions and concerns for Mr. Wolff's response.

On motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that RFP No. 1819-95 for Computer Contract Services for the MIS Department be continued until such time as the requested information is provided to the Board's satisfaction.

95-291 REIMBURSEMENT FOR SEMINAR REGISTRATION FEES - DISTRICT ATTORNEY

Upon recommendation of Richard Gammick, District Attorney, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the reimbursement to Douglas K. Fermoile (Special Prosecutor) for registration fees in the amount of \$89 paid to attend a seminar entitled Solving Vexing Problems in Criminal Law be approved.

It was noted that the tuition fee of \$89 will be absorbed by the District Attorney's budget, account number 1061-7385.

95-292 GRANT APPLICATION - DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY - VEHICULAR HOMICIDE/DUI CONFERENCE - DISTRICT ATTORNEY

Upon recommendation of Richard Gammick, District Attorney, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the District Attorney be authorized to apply to the State of Nevada, Department of Motor Vehicles and Public Safety, for funds to send one prosecutor to the Vehicular Homicide/DUI Conference held in Chicago, Illinois, July 9 - 13, 1995 and Chairman Shaw be authorized to execute the grant application.

It was noted that the total amount of the grant is \$1,750 and will cover travel, per diem and registration fees; that the County will initially pay the expenses and, pursuant to the project agreement, the State of Nevada will reimburse 100% of the expense incurred up to \$1,750; and that no additional costs are anticipated and there will be no fiscal impact on Washoe County.

95-293 COMMERCIAL GAS DRYER - KIDS KOTTAGE - SOCIAL SERVICES

Upon recommendation of May Shelton, Director, Department of Social Services, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the purchase and installation of a 30 lb. commercial gas dryer for Kids Kottage be approved.

It was noted that the Board already approved the expenditure in this year's budget, capital account 28051-7818 and there is no other fiscal impact.

95-294 ACCEPTANCE OF GRANT - ROBERT Z. HAWKINS FOUNDATION - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that acceptance of a \$5,300 Grant from the Robert Z. Hawkins Foundation to be used for the purchase of one Kawasaki motorcycle dirt bike, trailer, siren, and strobes be approved and the following account transactions be authorized:

Increase Revenues	15266G-4301	\$5,300.00
Increase Expenditures	15266G-7851	\$5,300.00

It was noted that this is a 100% grant and the only additional impact on the Sheriff's Budget is approximately \$500 for yearly maintenance and fuel costs.

95-295 CAPITAL EXPENDITURE - TWO KAWASAKI 650 CC MOTORCYCLE DIRT BIKES, EMERGENCY EQUIPMENT AND TRAILER - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the capital expenditure to purchase two Kawasaki 650 cc motorcycle dirt bikes, emergency equipment and trailer, for an Off-Road Motorcycle Program, in the amount of \$10,600 be approved.

It was noted that one motorcycle will be purchased from Account No. 15266G-7851, being the Grant received from Robert Z. Hawkins Foundation in the previous item; and that the second motorcycle will be purchased from the Sheriff's Capital Account.

It was further noted that the Off-Road Motorcycle Program is very valuable to the citizens of Washoe County; that this equipment would further augment the Search and Rescue mission, for which the Sheriff is statutorily responsible; and that the Program will enhance the abilities of Sheriff personnel to effectively deliver law-enforcement services to citizens at special events or in certain geographical locations.

95-296 CAPITAL EXPENDITURE - FOUR NIGHTSIGHT THERMAL VISION SYSTEM CAMERAS AND HUGHES ELECTRONICS DATAVISION HEADS-UP DISPLAY - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the capital expenditure to purchase four NightSight Thermal Vision System Cameras and Hughes Electronics DataVision heads-up display in the amount of \$6,500 be approved.

It was noted that the fiscal impact will be approximately \$26,000 and the Sheriff's Office has the capital outlay funds for this purchase.

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the expenditure of approximately \$70,000 from forfeiture seizure funds available to the Sheriff's Office to purchase mobile data terminal (MDT) radio calling system technology be approved as follows:

Mobile Data Terminals 10 Units	\$58,595.00	
Associated Start-Up Costs	10,000.00	
 TOTAL 1526D-7849 Expenditure		\$68,595.00

It was noted that the expenditure will be to purchase ten mobile data terminals and the associated costs to install and setup required of the terminals into patrol units of the Sheriff's Office; that the amount of the project is to be funded totally out of forfeiture seizure funds presently available to the Sheriff's Office; that there is no additional financial obligation required of the County for the initial purchase, installation or setup, which also provides for a three year maintenance agreement up front; and that at the end of three years, the County would have to take on the continuing maintenance contract at approximately \$4,608 per year, or the independent maintenance/repair costs.

95-298 REVISED INTERLOCAL AGREEMENT - NEVADA NET - UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA - LIBRARY

Upon recommendation of Nancy Cummings, Library Director, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the revised Interlocal Agreement between Washoe County and the Board of Regents of the University and Community College System of Nevada, concerning connecting the Library system to Nevada Net, be approved and Chairman Shaw be authorized to execute.

It was noted that the Interlocal Agreement for Nevada Net Internet connectivity will cost the Library System approximately \$7,500 per year and first year costs will be covered by funds from the Library Services and Construction Act (LSCA) Technology Grant.

95-299 INTERLOCAL COOPERATIVE AGREEMENT - FY96 PROGRAM OF STREET AND HIGHWAY PROJECTS

Upon recommendation of Derek Morse, Engineering Manager, Regional Transportation Commission, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Interlocal Cooperative Agreement between Washoe County, the City Council of Reno, the City Council of Sparks, and the Regional Transportation Commission for design, construction engineering, and construction of the projects in the FY96 Street and Highway Program be approved and Chairman Shaw be authorized to execute.

95-300 AGREEMENT TO MAINTAIN WATER RIGHTS - ANNE LOUISE CANTLON

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following actions be taken regarding Truckee River Claim 684 within the Pleasant Valley Hydrographic Basin:

1. The Agreement to Maintain Water Rights between Anne Louise Cantlon, as Trustee under the Anne Louise Cantlon Trust Agreement dated January 7, 1987, and Washoe County be approved and Chairman Shaw be authorized to execute.
2. The Chief Sanitary Engineer be directed to record the Agreement with the County Recorder.

95-301 WATER RIGHTS DEED (OAKSPRING ASSOCIATES) - WATER SALE AGREEMENT (SKY RANCH UTILITY COMPANY)

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following actions be taken regarding Bridle Path Subdivision:

1. The Water Rights Deed for 3.60 acre-feet from a portion of 29646, Certificate 9098, between Oakspring Associates, Grantors, and Washoe County, Grantee, and Water Sale Agreement between Sky Ranch Utility and Washoe County be approved and Chairman Shaw be authorized to execute.
2. The Chief Sanitary Engineer be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

95-302 AGREEMENTS - GOLF MARSHALL VOLUNTEER SERVICE - WASHOE AND SIERRA SAGE GOLF COURSES - PARKS

Upon recommendation of Gene Sullivan, Parks and Recreation Director, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the Director of Parks be authorized to sign the Volunteer Service Agreements for volunteers to provide Golf Marshall services at Washoe and Sierra Sage Golf Courses for a four-year period or until the agreement requires modification.

It was noted that the cost to each course is approximately \$2,156 for all Golf Marshall services for 5 1/2 months.

95-303 LEASE AGREEMENT - STATE OF NEVADA - CONSTRUCTION OF A RANGER/CARETAKER TRAILER PAD AT WASHOE LAKE BOAT LANDING - PARKS

Upon recommendation of Gene Sullivan, Parks and Recreation Director, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the lease agreement with the State for use of State land to construct a Ranger/caretaker trailer pad at Washoe Lake Boat Landing be approved and Chairman Shaw be authorized to execute.

It was noted that a \$250 per year rental fee is required to lease the property if the Washoe Lake Boat Landing remains County property; and that the \$250 will be expended out of Parks Services and Supplies budget.

95-304 AGREEMENT - G H INDUSTRIES, INC. - GARDEN AT WILBUR D. MAY ARBORETUM - PARKS

Upon recommendation of Gene Sullivan, Parks and Recreation Director, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Agreement between Washoe County and G H Industries, Inc. for the construction of a new garden within the Wilbur D. May Arboretum be approved and Chairman Shaw be authorized to execute.

It was noted that a donation in the amount of \$25,000 has been made by Mr. Richard (Dick) Rowley to A M Services, Co. on behalf of the Wilbur D. May Arboretum and Washoe County Parks; that construction costs will be paid by A M Services, Co. upon approval of Washoe County Parks; that there is no fiscal impact for the construction of the new garden; and that maintenance costs are anticipated to be very minimal as the design is for a natural area of trees, shrubs, wildflowers and grasses.

95-305 COOPERATIVE AGREEMENT - JOINT RECRUITMENT AND TESTING OF FIREFIGHTERS

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Cooperative Agreement between Washoe County, the City of Reno, and the City of Sparks for conducting a joint recruitment and testing of firefighters be approved and Chairman Shaw be authorized to execute.

It was noted that the Regional Planning Governing Board requested the joint recruitment and testing for firefighters.

95-306 BILL NO. 1104 - AMENDING WCC CHAPTER 5 - ALLOWING FOR A JOINT APPEAL PROCESS FROM JOINT AGENCY RECRUITMENT'S

Bill No. 1104, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THERETO A PROVISION TO ALLOW FOR A JOINT APPEAL PROCESS FOR JOINT AGENCY RECRUITMENT'S AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner

Bond, the title read to the Board and legal notice for final action of adoption directed.

95-307 BILL NO. 1105 - AMENDING WCC CHAPTER 53 - ADDING THE MISDEMEANOR OFFENSE OF USING OR POSSESSING DRUG PARAPHERNALIA

Following discussion, Bill No. 1105, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING THERETO THE MISDEMEANOR CRIME OF USING OR POSSESSING WITH PRIMARY INTENT TO USE DRUG PARAPHERNALIA; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO," was introduced by Commissioner Bond, the title read to the Board and legal notice for final action of adoption directed.

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There was no discussion under Legislative Update, Commissioners Comments, or Emergency Items.

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1:40 p.m. The Board recessed to the Caucus room to conduct a closed session for the purpose of discussing negotiations underway with Employee Organizations.

1:50 p.m. The Board recessed until 7:00 p.m.

7:00 p.m. The Board reconvened the regular meeting, with all members present as in the morning, at the Warm Springs Volunteer Fire Department Hall, 6015 Ironwood Road, Palomino Valley. Following the salute to the flag, Chairman Shaw introduced the Commissioners and staff and the Board conducted the following business:

95-308 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA94-WS-1 - FINANCING PLAN FOR THE WARM SPRINGS AREA PLAN SPECIFIC PLAN - COMPREHENSIVE PLANNING

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on April 7, 1995 to consider the Washoe County Planning Commission recommendation to approve an amendment to the adopted Warm Springs Specific Plan, being a part of the Warm Springs Area Plan contained in the Washoe County Comprehensive Plan, by adopting a "Financing Plan" for Medium Density Rural (MDR: 1 du/10 ac to 1 du/5 ac) and High Density Rural (HDR: 1 du/5 ac to 1 du/2.5 ac) development in the adopted Specific Plan area and to include minor changes to the adopted Specific Plan, including the substitution of the geographic information systems version of the land use map for the original zip-a-tone map; changes to the "technical design review committee" process to utilize the Washoe County Design Review Committee, changes to recognize the use of "General Rural Residential (GRR) regulatory specific plan until additional subdivision occurs, and other edits to policies and action programs as appropriate to implement the Financing Plan. It was noted that the Warm Springs Specific Plan area encompasses approximately 3,984 acres and is located on the east side of Pyramid Highway (SR 447) in the Warm Springs hydrographic basin, situated within portions of Sections 4, 5, 8, 9, 10, 15, 16, and 22, T22N, R21E, and Sections 32 and 33, T23N, R21E, MDM, Washoe County, Nevada, and is designated as "Suburban Community" on the Truckee Meadows Regional Land Use Diagram.

Dean Diederich, Department of Comprehensive Planning, reviewed background information and conducted a viewfoil presentation of the proposed amendment to the Warm Springs Specific Plan. He advised that the proposed Financing Plan is a key component necessary to initiate development of the densities that were envisioned in the adopted Warm Springs Specific Area Plan and address infrastructure needs; that the four applicants, Jim Hess, George Newell, Timothy Hess, and Brent Douglas, paid a consultant to work with staff and the community to identify the necessary components of the Financing Plan; that a number of meetings were held by the Warm Springs Citizen Advisory Board, the Palomino Valley General Improvement District (PVGID), and County agencies; and that staff mailed a copy of the draft document of the plan to each property owner. He reviewed the various issues and concerns addressed by the Planning Commission including the concern expressed by the District Attorney's office that the County may be trying to embark on an impact fee process, which is authorized by the Nevada Revised Statutes, but not necessarily following to the letter of the law the process to complete an impact fee. He explained that the Plan is relying on the concept of the development agreement, also authorized under NRS, which allows for special approaches for dealing with development issues. Mr. Diederich then discussed the master fee schedule that would provide the revenues for infrastructure and responded to questions of

the Board.

A discussion commenced relative to roads, water system, infrastructure maintenance, and other issues related to the proposed amendment.

Commissioner Sims referred to the memorandum from Rusty Nash, Deputy District Attorney, indicating that he felt the concept was extremely risky and that his preference would be that a Special Assessment District be established. Mr. Diederich commented that the Planning Commission attempted to address the District Attorney's concerns and felt the proposed approach was workable. He explained that a financing plan is required to implement the previously adopted Specific Area Plan, noting that, while this Plan is not the traditional approach, it is consistent with the Comprehensive Plan.

Chairman Shaw opened the public hearing and called on those wishing to speak.

Randy Walter, SEA Engineering, representing applicants, conducted a slide presentation of the project and answered questions of the Board. He advised that the location of the Specific Plan Area is based on existing water rights; that the overall plan envisioned several elements including drainage, open space, recreation, water system, roadway system, etc.; that all development requests to the Specific Plan Area must provide a Development Standards Handbook and draft CCR's; and that the process cannot be done without first having a financing plan in place. He reviewed the Financing Plan and stated that the issue of roadway improvements has been a key issue and the proposed plan provides a means by which the roads could ultimately get paved; that the plan addresses capital infrastructure and creates adequate revenue allocated on a fair and equitable basis to insure that roads get paved, parks get developed, etc.; and that maintenance is a different issue which they tried to address through the PVGID. Mr. Walter noted that, with reference to the DA's concerns about the financing mechanism, the County's interim traffic impact fee and a TMFPD fee for acquisition of fire equipment do not meet the criteria of NRS; that there is legal precedence and if a lawsuit was going to be filed it would have happened on those two issues; and that these fees are able to be imposed because everyone is treated equally.

Raymond Joseph, Patrick Jones, Andrea Davis, Chuck Fulkerson, and Tammy Strauss, area residents, spoke in opposition to the plan and expressed concerns regarding increases in traffic, impacts on the rural lifestyle and wildlife, and responsibility for collecting and overseeing the funds. Mr. Jones and Ms. Davis also stated that they had not received any notices of meetings held regarding this issue.

Chairman Shaw noted for the edification of those present that tonight the Board is only addressing the Finance Plan, and that the other issues of traffic, wildlife, etc. would be addressed prior to any development.

Helen Weintritt, President, Palomino Valley GID, advised that they are underfunded now and are concerned there will not be adequate funds in the future to maintain the roads; and that they feel any shortfalls should be underwritten by the County.

George Newell, applicant, commented that development will generate enough income to offset the additional maintenance from which the residents will benefit; and that the only way there will be decent roads in the Valley is through development that generates additional funds to pay for them.

Jim Hess, applicant, advised that he supports planned growth in the Valley; that the Specific Plan was addressed over a number of years with a great deal of public input during the many meetings held before it was approved; that a survey was sent out and 26 people in the Specific Plan Area responded by certified mail that they agree, which represents over 75% of the property in the plan area; and that they are trying to plan growth so it will benefit the area.

Tom Pratt, Whiskey Springs Road resident, spoke in support of the plan and advised that he is looking at developing 380 acres of his property, and that his father owns approximately 923 acres, and he is also looking at development. Evelyn Roe and Earl Been, area residents, also spoke in support of the Financial Plan. Richard Roe, Vice Chairman, Warm Springs Advisory Board, stated that he was surprised at the comments made by many of the people tonight as they never presented their concerns at the CAB meetings during the Plan process, and that the Citizen Advisory Board feels the plan is in order and fully supports it.

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

Commissioner Sims asked if state statute authorizes any monies for capital improvements. Mr. Diederich commented that state law allows for development agreements noting that it doesn't specifically enumerate the collection of fees but does not disallow them, which is the basis staff is working on.

Legal Counsel Shipman further advised that there is a provision in state law that allows for development agreements; that it does not specifically state anything about being able to assess fees as part of a development agreement and seems to be directed more towards standards; that, however, it has been argued that an entity can deviate from state standards or other authorizations through the means of a development agreement; that this is being challenged in Douglas County and in Henderson and there is a bill in the legislature that would make it clear that this could not be done through development agreements; and that the District Attorney's office feels the Board needs to be advised of risk, noting that the amount of risk the Commission wishes to take is a policy decision.

Commissioner Mouliot commented that the six people who spoke against the Financing Plan are not listed as property owners in the Specific Area Plan.

Mr. Diederich reviewed noticing requirements and advised that the number of notices staff mailed far exceeded the minimum requirement. He noted that the only people affected by the Financing Plan are those located within the Specific Area Plan.

Commissioner Bradhurst stated that he is concerned about the risk factor pointed out in the letter of February 8, 1995 from Deputy District Attorney Rusty Nash; and that he feels financing alternatives are available, such as an assessment district, even though the properties are not contiguous. A discussion commenced regarding possible alternatives and Mr. Diederich reviewed the criteria the County looks at to form an assessment district.

Bob Jasper, Assistant County Manager, also provided information relative to assessment districts.

Mr. Walter stated that they looked at the assessment district possibility and advised that this is an alternative for the large property owners, but not for the four applicants; that assessment districts work good for 1,000 acres or so, but do not work on 40-acre parcels; and that they tried to accommodate everyone and have everybody pay their fair share equitably, and this is the only way they know of to make that happen.

Commissioner Sims asked what the impact to the County would be if the proposed bill referred to by Legal Counsel is approved. Ms. Shipman emphasized that the concern of the District Attorney's office is not with the applicants requesting the Financing Plan before the Board tonight, as they have clearly chosen to go forward, but rather the issue and concern is that, once infrastructure is built and monies are still being collected from other property owners subject to the plan, they may protest that the financing plan is void as there was no legal right to collect fees. She advised that this could create a shortfall of funds since the County would not have the authority to enforce the payment of fees.

Mr. Walter commented that the parties that built the infrastructure would be the ones that come up short, not the County.

Commissioner Bradhurst stated that he is reluctant to move forward with the Financing Plan based on the District Attorney's concerns, and he feels an assessment district is a financing mechanism that is legal and could be utilized.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, with Commissioners Bradhurst and Sims voting "no," it was ordered that Comprehensive Plan Amendment Case No. CPA94-WS-1, Financing Plan for the Warm Springs Area Plan, Specific Plan be approved.

PUBLIC COMMENTS

Jim Hess, Warm Springs resident, thanked the Board for conducting the meeting in the Valley.

Chairman Shaw thanked the volunteer fire department for arranging for the meeting in their building.

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted and ordered placed on file with the Clerk:

95-309 Monthly Reports February 1995:

- A. Animal Control
- B. County Clerk
- C. Court Clerk
- D. Sheriff's Detention/Courts Facility
- E. Social Services

95-310 Quarterly Reports, January through March: (Third Quarter 94/95)

- A. Court Clerk/County Clerk
- B. Justice Court, Sparks
- C. Justice Court, Gerlach
- E. Constable, Sparks
- F. Constable, Wadsworth
- G. Constable, Reno
- H. South Truckee Meadows General Improvement District

There being no further business to come before the Board, the meeting adjourned at 10:00 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk