

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 3:00 P.M. DECEMBER 22, 1998

PRESENT:

Joanne Bond, Chairman
Mike Mouliot, Vice Chairman
Jim Galloway, Commissioner
Jim Shaw, Commissioner

Betty J. Lewis, County Clerk
Katy Simon, County Manager
Madelyn Shipman, Legal Counsel

ABSENT:

Sue Camp, Commissioner

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:

98-1201 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the agenda for the December 22, 1998 meeting be approved.

PUBLIC COMMENTS

Onie Cooper and Mary Wilson, representing the NAACP and Cecelia Harrington an ex-inmate at the Washoe County jail discussed what they considered, "inhumane" conditions at the jail.

Sam Dehne, a Reno citizen, discussed population growth in the Truckee Meadows and the Economic Development Authority of Western Nevada (EDAWN).

98-1202 INTERLOCAL AGREEMENT - SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT - OPERATION AND MAINTENANCE OF WATER FACILITIES

Upon recommendation of John Collins, Utility Services Division Manager, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the renewal of an Interlocal Agreement between Washoe County and the South Truckee Meadows General Improvement District for the period July 1, 1996 to June 30, 1999 be approved.

98-1203 PRESENTATION OF APPRECIATION - COMMISSIONER MOULIOT

Chairman Bond presented a "Plaque of Appreciation" to outgoing Commissioner Mouliot and Board members individually commended Mr. Mouliot for his service to the County during his tenure, January, 1995 to January, 1999.

98-1204 ACCEPTANCE OF DISASTER RECOVERY INITIATIVE PROGRAM (DRIP) GRANT - HUMAN SERVICES

Upon recommendation of Mike McMahon, Human Service Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Disaster Recovery Initiative Program (DRIP) Grant award of \$150,637 from the State of Nevada Commission on Economic Development, Community Development Block Grant Program, be accepted and that Chairman Bond be authorized to execute.

James Gale, Sr. Property Agent, stated that the District Attorney's Office, advised him to reschedule this item for a public hearing on January 19, 1999 due to improper noticing.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that this item be rescheduled for a public hearing on January 19, 1999.

98-1206 ACCEPTANCE OF GRANT OF EASEMENT - JASON D. AND KARLA R. VAN HOWEL & GORDON A. AND CECILE PETERS - WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, which motion duly carried, it was ordered that the grant of easement from Jason D. Van Howel and Karla R. Van Howel (husband and wife), and Gordon A. Peters and Cecile Peters (husband and wife), as Grantor and Washoe County as Grantee, for a water and sewer crossing on APN 049-440-20 be accepted.

98-1207 TRANSFER APPROPRIATIONS - INCLINE JUSTICE COURT TO INCLINE CONSTABLE - ESTABLISH FIXED RATE OF PAY FOR INCLINE CONSTABLE

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that:

1. An increase in base pay for the Incline Constable to \$42,993.60 per year be approved effective January 1, 1999;
2. The lease or purchase of a vehicle, after analysis by the Finance Division, which the Constable may use for process service in return for process service revenues, be approved;
3. The following transfer of appropriations from the Incline Justice Court to the Incline Constable's Office to properly reflect accounting of the personnel functions that the Incline Constable is responsible for, which include jail transport, court security, house arrest supervision, and process service be approved:

Increase		Decrease			
Appropriations:		Appropriations:			
Account	Amount	Account	Amount		
1261-70021	Pooled Positions	\$17,400.00	1251-7140	Other Prof Service	\$ 8,317.00
1261-7341	Leased Equipment	\$ 2,400.00	1251-7321	Contracts	\$13,000.00
1261-7250	Office Supplies	\$ 1,517.00			
	Total	\$21,317.00			\$21,317.00

4. A pooled position for "on-call" Deputy Constables responsible for the above listed duties be established.

It was noted that this will correct the accounting for the positions which currently work under the authority of the Incline Justice Court to the Incline Constable's Office; that the Incline Constable will supervise these employees; and that the Personnel Division will classify those employees at a later date to reflect their appropriate job class. It was further noted that this will allow the County to collect on approximately \$6,500 in process service revenues projected for the period of January 1, 1999 to June 30, 1999.

98-1208 TRANSFER OF APPROPRIATIONS - MIS DEPARTMENT

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the transfer of appropriations within the MIS Department, per the agenda memorandum placed on file with the Clerk, be acknowledged.

It was noted that these changes are to reflect program costs more appropriately as part of the reorganization of the Management Information Services Department.

98-1209 AWARD OF BID - BUNK BEDS - BID NO. 2116-99 - SHERIFF'S OFFICE

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 September 29, 1998, for bunk beds for the Sheriff's Office. Proof was made that due and legal Notice had been given.

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

- Minnor Industries
- KLN Steel Products
- Santa Clara Correctional

Silver State Industries and Union Metal Furniture failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Bid No. 2116-99 for 128 bunk beds for the Sheriff's Office new housing unit, be awarded to the lowest responsive and responsible bidder, Minncor Industries, in the total amount of \$56,266.24.

98-1210 ACCEPT PROPOSAL - NEIGHBORHOOD JUSTICE CENTER - RFP NO. 2079-98 - DISTRICT ATTORNEY

This was the time to consider award of bid, Notice to Bidders for receipt of sealed proposals having been published in the Reno Gazette-Journal on September 8, 1998, for the establishment and operation of a Neighborhood Justice Center to provide a forum for the impartial mediation of minor disputes. Proof was made that due and legal Notice had been given.

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

- YWCA
- Washoe Legal Services
- David McElroy

Sherry Rice, Executive Director of the YWCA, reviewed the Reno-Sparks YWCA's proposal for a Neighborhood Justice Center (NJC), a list of programs administered by the YWCA and responded to questions of the Board regarding their proposal.

Jeff Osterman and Patrick Flanigan, Washoe Legal Services, the second ranked proposer, stated that Washoe Legal Services would have been

the better candidate to provide the mediation of minor disputes and other legal matters for a Neighborhood Justice Center due to their expertise in this area of law. Mr. Osterman and Mr. Flanigan then reviewed their credentials with the Board.

Mike Sullens, Purchasing Department, reviewed the proposal advising that Washoe Legal Services was their second choice as they felt that, although all of the proposers were capable of offering these services within the community, the YWCA has had a tremendous amount of experience working with volunteers; that they already have an established site that can be utilized for the central office for the NJC as well as three satellite locations to provide more mediation opportunities throughout the community; that they proposed handling a larger case load; and that the YWCA offered more program "bang for the buck" which is the reason they selected them as the number one candidate. Mr. Sullens further advised that the provider would present monthly reports containing contacts and referrals of mediations to the County; and that the contract would contain language that would allow the County to cancel the contract and select another provider if a determination was made that the program was not being run efficiently by the organization initially selected.

Madelyn Shipman, Assistant District Attorney, explained that it is not required that an individual enter into the Justice Court system to be a part of the Neighborhood Justice Center program; that the idea of the program is to prevent individuals from going to Justice Court; that the use of the Justice Court \$5.00 filing fee assessment was a funding mechanism selected by the legislature to fund a NJC which has generated approximately \$150,000 per year.

Trip Barthel, Program Director for the YWCA's proposal, stated that he has worked in the field as an arbitrator and mediator for 12 years; and that he felt committed enough to this particular program to return to school for the purpose of obtaining a Masters Degree. Mr. Barthel then reviewed his credentials with the Board.

Brian Mirch stated that at yesterday's caucus, Commissioner Mouliot requested an assurance that the County would not utilize additional general fund dollars for this purpose and only use funds provided for through AB280.

Commissioner Galloway further stated that he would like to stipulate that the County would not commit to spending any more money than is collected from the \$5.00 filing fee, and Commissioner Mouliot requested an accounting of the \$150,000 collected to date to fund the center.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that the proposal submitted by the YWCA in response to RFP No. 2079-98 to establish a Neighborhood Justice Center, pursuant to the requirements of NRS 244.1607 requiring counties with a population of 100,000 or more to provide a forum for the impartial mediation of minor disputes within the County and for the benefit of the entire community, be accepted with the caveat that the County would not be responsible for any financial support outside the collection of the funds collected from the \$5.00 filing fee; and that an accounting of the \$150,000 collected to date for the program be undertaken.

It was further ordered that the Purchasing and Contracts Administrator be authorized to execute a two-year agreement with three one-year renewal options with the YWCA to establish the NJC in compliance with NRS 244.1607, and that contract terms of said agreement be reviewed and approved by the District Attorney's Office and the Risk Manager prior to execution.

This was the time to consider award of bid, Notice to Bidders for receipt of sealed proposals having been published in the Reno Gazette-Journal on September 29, 1998, for a Demographic Consultant for the Department of Community Development. Proof was made that due and legal Notice had been given.

Twenty proposals were solicited with the following vendors responding, and those responses are available from the Purchasing Department:

- Science Applications International Corporation
- Election Data Services

John Slaughter, Department of Community Development, responded to questions raised at yesterday's caucus by Commissioner Galloway and reviewed a memorandum from Gary Goelitz, Senior Administrative Analyst, concerning the costs for demographic consulting submitted by Science Applications and necessary tasks required prior to redistricting.

Commissioner Galloway inquired if this expense would be worthwhile if the Board proceeded with redistricting and redistricted again in two years. Mr. Goelitz advised that if the Board does not wish to proceed with redistricting at this time, that they would need to determine whether staff should retain the services of Science Applications International to assist in preparing the census.

County Manager Katy Simon stated that within the scope of work with Science Applications is the establishment of a criteria, methodology and data base for various scenarios for redistricting which would include extensive input from the Board; and that if the Board should elect to redistrict at a later date, those mechanisms would be in place for doing so.

Commissioner Galloway stated that a determining factor for him in the approval of this item would be an assurance of getting the value back out of this money when redistricting is accomplished. Mr. Goelitz stated that a significant amount of the investment made for redistricting is work that needs to be completed in the year 2001 and they are simply getting a head start on the process.

Commissioner Shaw expressed concern that the contract does not contain cost estimates or a not-to-exceed amount, and Mr. Goelitz advised that this could be incorporated in the final agreement which will have to come back to the Board for final approval.

Following discussion, upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the proposal submitted by Science Applications International Corporation in response to RFP No. 2118-99 for a Demographic Consultant, in the amount of \$103,495.00, be accepted; and that staff arrive at a not-to-exceed amount and explore options that may result in cost savings in the future.

98-1212 CONTINGENCY TRANSFER - DEMOGRAPHIC SUPPORT - REDISTRICTING & CENSUS 2000 - FINANCE/COMMUNITY DEVELOPMENT

Upon recommendation of Gary Goelitz, Senior Administrative Analyst, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that a transfer of \$103,495 from the Contingency Account (001-1890-7328) to the Strategic Projects Account (115-3201-7105) to fund demographic support for redistricting of Commission districts and Census 2000 be approved.

98-1213 ACCEPT DONATION - MAP BOOKS FROM BRUCE McLEOD - ASSESSOR

Upon recommendation of Robert McGowan, Assessor, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the donation of four map books to the Mapping Division of the Assessor's Office from Bruce McLeod, the family of Joseph McLeod, be accepted with the Board's gratitude.

98-1214 ACCEPT DONATION - DELL COMPUTER - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the donation of a Dell Computer, Serial Number B350TN, with a 17-inch touchscreen, purchased via the inmate commissary fund and at no cost to the taxpayer, be accepted. It was noted that the cost of the computer was \$2,707.62.

98-1215 UNBUDGETED CAPITAL EXPENDITURE (FEDERAL FORFEITURE FUNDS) - PURCHASE OF USED CITIFARE 35-FOOT BUS - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the purchase of a used Citifare 35-foot bus from the Regional Transportation Commission utilizing Federal Forfeiture Funds (15141D-7851) at a total cost of \$4,302.00, be authorized.

98-1216 RESOLUTIONS - ADOPTING AMENDED SOUTHWEST TRUCKEE MEADOWS AREA PLAN & SOUTH VIRGINIA CORRIDOR SPECIFIC PLAN - COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA98-SWTM-2

Upon recommendation of Dean Diederich, Planning Manager, and based on the finding of conformance with the Truckee Meadows Regional Plan, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following resolutions be adopted and Chairman Bond authorized to execute:

ADOPTING THE SOUTH VIRGINIA CORRIDOR SPECIFIC PLAN, A PART OF THE SOUTHWEST TRUCKEE MEADOWS AREA PLAN, WASHOE COUNTY COMPREHENSIVE PLAN (CPA98-SWTM-2)

WHEREAS, Section 278.150 and 278.210, Nevada Revised Statutes, specifies that the Washoe County Planning Commission may prepare, adopt and amend a master (comprehensive) plan for all or any part of the County, subject to County Commission approval;

WHEREAS, The Washoe County Planning Commission has found that the SOUTH VIRGINIA CORRIDOR SPECIFIC PLAN, a part of the Southwest Truckee Meadows Area Plan, Washoe County Comprehensive Plan, provides a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan;

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

WHEREAS, A public hearing on the adoption of the Washoe County Comprehensive Plan, including the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, was held on May 21, 1991, with the most recent amendment to the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, including the SOUTH VIRGINIA CORRIDOR SPECIFIC PLAN, being held on May 12, 1998 and May 26, 1998, by the Board of County Commissioners of Washoe County,

Nevada;

WHEREAS, At the conclusion of the public hearing, the Board of County Commissioners endorsed the SOUTH VIRGINIA CORRIDOR SPECIFIC PLAN, a part of the Southwest Truckee Meadows Area Plan, Washoe County Comprehensive Plan, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

WHEREAS, A public hearing for the review of conformance of the Washoe County Comprehensive Plan, including the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, was first held on October 23, 1991, with the most recent amendment to the SOUTH VIRGINIA CORRIDOR SPECIFIC PLAN being held on December 9, 1998, by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

WHEREAS, The SOUTH VIRGINIA CORRIDOR SPECIFIC PLAN, a part of the Southwest Truckee Meadows Area Plan, Washoe County Comprehensive Plan, which is in conformance with the Truckee Meadows Regional Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Comprehensive Plan, of the Washoe County Development Code; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby adopt and endorse the SOUTH VIRGINIA CORRIDOR SPECIFIC PLAN, a part of the Southwest Truckee Meadows Area Plan, Washoe County Comprehensive Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

RESOLUTION

ADOPTING THE AMENDED SOUTHWEST TRUCKEE MEADOWS AREA PLAN (CPA98-SWTM-2), A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN

WHEREAS, Section 278.150 and 278.210, Nevada Revised Statutes, specifies that the Washoe County Planning Commission may prepare, adopt and amend a master (comprehensive) plan for all or any part of the County, subject to County Commission approval;

WHEREAS, The Washoe County Planning Commission has found that the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, and the most recent amendment, provides a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan;

WHEREAS, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

WHEREAS, A public hearing on the adoption of the Washoe County Comprehensive Plan, including the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, was first held on May 21, 1991, with the most recent amendment to the SOUTHWEST TRUCKEE MEADOWS AREA PLAN being held on February 17, 1998, March 24, 1998, May 12, 1998 and May 26, 1998, by the Board of County Commissioners of Washoe County, Nevada;

WHEREAS, At the conclusion of the public hearing, the Board of County Commissioners endorsed the amendment to the SOUTHWEST TRUCKEE

MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, pursuant to Section 278.0282, Nevada Revised Statutes, for conformance review with the Truckee Meadows Regional Plan;

WHEREAS, A public hearing for the review of conformance of the Washoe County Comprehensive Plan, including the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, was first held on October 23, 1991, with the most recent amendment to the SOUTHWEST TRUCKEE MEADOWS AREA PLAN being held on December 9, 1998, by the Truckee Meadows Regional Planning Commission, at which time the plan was deemed in conformance with the Truckee Meadows Regional Plan; and

WHEREAS, The amendment to the SOUTHWEST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, which is in conformance with the Truckee Meadows Regional Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Comprehensive Plan, of the Washoe County Development Code; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby adopt and endorse the amended SOUTHWEST TRUCKEE MEADOWS AREA PLAN, a part of the Washoe County Comprehensive Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

98-1217 REFUND OF FEES - THERESA AND RICHARD SHANNON - SPECIAL USE PERMIT CASE NO. SPB4-7-98 & VARIANCE CASE NO. V4-20-98 - COMMUNITY DEVELOPMENT

Upon recommendation of Cheryl Ryan, Department of Community Development, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the application fees for Special Use Permit Case No. SPB4-7-98 (\$526.00) and Variance Case No. V4-20-98 (\$264.00) paid by Theresa and Richard Shannon be refunded.

98-1218 BILL NO. 1227 - AMENDING WCC CHAPTER 25 - BOARD OF MASSAGE EXAMINERS

Bill No. 1227, entitled, "AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 25 BY REMOVING THE DIRECTOR OF BUSINESS LICENSE AS A MEMBER OF THE BOARD OF MASSAGE EXAMINERS; AMENDING THE NUMBER OF MEMBERS, TESTING PROCESS AND CLARIFYING NAME; AND OTHER MATTERS RELATING THERETO" was introduced by Commissioner Shaw, the title read to the Board and legal notice for final action of adoption directed.

98-1219 BILL NO. 1228 - FINAL DEVELOPMENT AGREEMENT CASE NO. DA4-1-98 - REALTY CORNER/PRUITT

Bill No. 1228, entitled, "AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING THE FINAL DEVELOPMENT AGREEMENT FOR THE REALTY CORNER PARCEL MAP, CREATING FOUR PARCELS IN WARM SPRINGS VALLEY PURSUANT TO THE WARM SPRINGS SPECIFIC PLAN. THE APPROVAL OF THE PARCEL MAP FOR THE 44.714 ACRE SITE INCLUDES PAYMENT FOR INFRASTRUCTURE BACKBONE IMPROVEMENTS WITHIN THE SPECIFIC PLAN AREA AS REQUIRED BY THE SPECIFIC PLAN. THE PROJECT ALSO INCLUDES A DESIGN STANDARDS HANDBOOK THAT WILL GUIDE FUTURE DEVELOPMENT WITHIN THE WARM SPRINGS SPECIFIC PLAN BOUNDARIES. THE PROPERTY IS LOCATED IN WARM SPRINGS VALLEY, AND IS A PORTION OF THE WARM SPRINGS VALLEY SPECIFIC PLAN AREA AND IS SITUATED IN THE SW 1/4 OF SECTION 33, T23N, R21E, MDBM, WASHOE COUNTY, NEVADA (APN 077-350-10)" was introduced by Commissioner Galloway, the title read to the

Board and legal notice for final action of adoption directed.

98-1220 AGREEMENT - NEVADA HEALTH CARE COALITION - QUAL CARE NEVADA, INC. - RISK MANAGEMENT

Upon recommendation of Ray Sibley, Risk Manager, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the new Participation Agreement between Washoe County and Nevada Health Care Coalition, concerning utilization review services and provider panel effective January 1, 1999, with Qual Care Nevada, Inc., be approved and that the Risk Manager be authorized to execute the agreement on behalf of Washoe County.

98-1221 TRUCKEE MEADOWS PROJECT - AGREEMENT - U.S. FILTER CORPORATION

Ed Schmidt, Director, Department of Water Resources, reviewed background information regarding this item explaining that several meetings had been held by the Water Planning Commission (WPC) to assess the need for the County to retain their interest in water resources of the Truckee Meadows Project (TMP); that the WPC determined that it was not necessary for the County to retain these resources for future development, and as a result, the Board of County Commissioners directed staff on September 22, 1998 to market their interest in the TMP.

Mr. Schmidt advised that although several companies have expressed an interest in the acquisition of these water resources, U.S. Filter Corporation was the only entity to make an offer to Washoe County for its interest in the Truckee Meadows Project which assets include the approved water right change applications, a right-of-way application, Court rulings, an Acquisition Agreement and the Draft Environmental Impact Statement. Mr. Schmidt then reviewed U.S. Filter's proposal advising that one of the provisions in the proposal is that U.S. Filter would provide a \$2,500,000 discount to Washoe County on any future water service commitments from this water source to be applied at the rate of \$500 per acre foot.

Assistant District Attorney Madelyn Shipman clarified that this proposal would also include a provision that U.S. Filter would assume Washoe County's position and any other involved party's position in a lawsuit pending against the Federal Government regarding the Honey Lake Project.

Bob Marshall, Co-Manager, Intermountain Pipeline, Ltd. stated that he owns a ranch located at the north end of Warm Springs Valley; that he has spent thirteen years adjudicating his vested water rights between his ranch and the Winnemucca Ranch in an attempt to market a small project known as the "Warm Springs Project" to provide water to the Warm Springs Valley; that an August 1988 Agreement between Washoe County and Western Water tied a portion of Winnemucca Ranch water which Washoe County purchased from Dalton and Juanita LaRue in December 1987 to the Honey Lake Project; that in an August 1988 Agreement 10% of the water will serve letters to be generated, not only from the Honey Lake Project but also from water from the Winnemucca Ranch excluding any surface water which flows from the Winnemucca Ranch, was sold to Western Water Development; that a perpetuation of this 10% "hook" into Winnemucca Ranch water owned by Washoe County would be very detrimental to the County and his project; and that the County should require a condition that would remove the Winnemucca Ranch water from the Honey Lake Project.

Chairman Bond disclosed that she had previously met with Mr. Marshall and representatives from U.S. Filter.

Ms. Shipman stated that in her opinion, this is not a 10% "hook" issue; that it would be up to U.S. Filter as to whether they would be willing to

negotiate this with Mr. Marshall; and that the 10% "hook" has nothing to do with assets that were part of the project being transferred or divested from the County.

H. Martin Jessen, Sr. Vice President, U.S. Filter Corporation, stated that this would not be the proper forum to negotiate this issue with Mr. Marshall; that the assets of the County and other parties originally represented to him by the Board is the basis by which they have negotiated in good faith with the County; and that U.S. Filter is willing to proceed with the proposal as originally presented.

Following discussion, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the following actions be taken:

1. That an agreement in concept with U.S. Filter Corporation to assume the Washoe County Interest in the Truckee Meadows Project and Litigation as outlined in the staff report placed on file with the Clerk be approved.
2. That staff be directed to reduce the conceptual agreement to written form.
3. That staff be directed to enter into an agreement with U.S. Filter Corporation, as necessary, to extend County option on water rights related to the Truckee Meadows Project.
4. That the Board consent to the assignment of the contractual obligations of Western Water Development Company, Inc., and Northwest Nevada Water Resources Limited Partnership to U.S. Filter Corporation and direct staff to prepare a letter stating such consent for the signature of the Chairman.
5. That staff be directed to seek written consent from Western Water Development Company, Inc., and Northwest Nevada Water Resources Limited Partnership to allow the assignment of the Washoe County interest in the Truckee Meadows Project to US Filter Corporation.
6. That the Chairman of the County Commission be authorized to execute documents, deeds and agreements as necessary to implement the conceptual agreement, upon the recommendation of the Director of the Department of Water Resources, County Manager, District Attorney, and Risk Manager.

It was further ordered that staff conduct a legal analysis of the project's water rights requested by Mr. Marshall, co-owner of Intermountain Pipeline, Ltd.

98-1222 SALE OF COUNTY PROPERTY - APN 080-170-03 - RESOLUTION -PUBLIC WORKS

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on December 7 and 14, 1998, to accept additional offers to purchase Assessor's Parcel 080-170-03. Proof was made that due and legal notice had been given.

James Gale, Senior Property Agent, Department of Public Works, advised that on November 24, 1998 the Board acknowledged receipt of the original bid for the subject property received from the adjacent property owner in the amount of \$2,036.77; that he has received one written bid from Douglas R. Longway in the amount of \$2,102.86, which is higher than the original bid, but contains a number of conditions including

that the County split escrow costs and have the property surveyed, which two items alone would reduce the amount of Mr. Longway's offer to less than the original offer.

Chairman Bond opened the public hearing and asked if anyone was present that wished to submit an oral bid. There was no response and the public hearing was closed.

Upon recommendation of James Gale, Senior Property Agent, through David Roundtree, Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the offer from D. P. Operating Partnership, L.P, in the amount of \$2,036.77 be accepted and the following Resolution regarding same be adopted. It was further ordered that Chairman Bond be authorized to execute the quitclaim deed to be delivered to the purchaser upon performance and compliance by the purchaser with all terms of the sale.

RESOLUTION

SALE OF COUNTY PROPERTY

WHEREAS, Washoe County is the owner of a 60,306 square foot parcel located in Lemmon Valley within NW one-quarter of Section 33, T.21N., R.19E., M.D.B.&M., Assessor's Parcel Number 080-170-03, and;

WHEREAS, pursuant to NRS 244.281 the County of Washoe has the power to sell the subject property, and;

WHEREAS, Washoe County has received an offer to purchase the property for \$2,036.77, and;

WHEREAS, pursuant to NRS 244.282 the Board of County Commissioners of Washoe County held a public hearing on December 22, 1998 to receive other bids, and;

WHEREAS, at the public hearing held on December 22, 1998 one other bid was received from Douglas R. Longway, said bid was rejected by the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that Washoe County accepts the bid of \$2,036.77 from D.P. Operating Partnership, L.P. to purchase Assessor's Parcel Number 080-170-03 and hereby directs the Chairman to execute a quitclaim deed transferring said property to D.P. Operating Partnership, L.P.

98-1223 APPEAL - SPECIAL USE PERMIT CASE NO. SPW8-29-98 - SIERRA NEVADA COLLEGE - COMMUNITY DEVELOPMENT

5:00 p.m. This was the time set in a Notice of Public Hearing, mailed to affected property owners by the Department of Community Development on December 10, 1998 to consider the appeal of James H. Seymour, representing College Park Homeowners Association, from the Washoe County Planning Commission's conditional approval of Special Use Permit Case No. SPW8-29-98 to establish two parking lots for the mountain campus of Sierra Nevada College. Section 110.302.10 of the Washoe County Development Code requires a Special Use Permit for the establishment of an Education use. Parking facilities are considered an accessory use of the campus. One parking lot would be established

adjacent to the campus on property currently known as College Trailer Park. The parking lot, located at 800 College Drive, would be established on the southwest corner of the property and involves removal of six mobile home sites. The 27,000-square-foot portion of the 11-acre parcel is designated Low Density Urban (LDU) in the Tahoe Area Plan. The second lot would increase the parking at the McLean Library site, a 2.60-acre parcel located at 591 Village Boulevard. The additional spaces would be situated adjacent to College Drive. This property is designated Public and Semi-Public Facilities (PSP). Both properties are situated in a portion of Section 10, T16N, R18E, MDM, Washoe County, Nevada. (APN 129-280-20 and 124-083-26) Proof was made that due and legal notice had been given.

Sharon Kvas, Department of Community Development, utilized the document camera to exhibit a map showing the location of the Sierra Nevada College Mountain Campus, current parking lots, Lake Campus, mobile home park, and the McLean Library. She reviewed the proposed project and advised that staff evaluated the request and recommended approval with a variety of conditions; and that the Planning Commission approved staff's recommendation. She reviewed the impacts involved in the request, being (1) traffic and parking, (2) landscaping, (3) lighting standards, and (4) the stream environment zone, advising that conditions have been placed on the project to address these impacts. She stated that the residents of six mobile homes in the park will be forced to move, and staff determined that the best solution for their relocation was to move them into the existing mobile home park. She noted that all six units are occupied by Incline Village residents and are not used for student housing.

James Seymour, appellant, advised that he does not represent the residents of the mobile home park as previously stated as they are represented by other Counsel, but that they have joined in the appeal that he filed. Mr. Seymour conducted a CD-Rom overhead presentation, assisted by Dean Diederich, Planning Manager, Department of Community Development, and discussed issues in opposition to the project which included that there is no need for a new lot as the existing lot is adequate and the new lot will not provide for any more spaces, and the present lot is safer than the proposed lot; that there is no obligation to approve the application because the impacts to the community need to be considered; and that affordable housing needs of Incline Village have largely been ignored in this application. He then noted that Incline Village desperately needs housing for working people; that the Incline Village General Improvement District has recognized the importance of this fact as well as the Incline Village Citizen Advisory Board who voted 5 to 1 against the request; that NRS 278.150 requires a housing plan for all counties with over 100,000 population and Washoe County has not accomplished this; that NRS 278.160 requires a plan within the housing element to maintain and develop affordable housing and Washoe County has not provided for this either; and that a housing element and a thorough study of the Incline housing situation are needed before anything is approved that would eliminate housing. Mr. Seymour then responded to questions of the Board.

Dan Reaser with Lionel Sawyer and Collins, representing Sierra Nevada College, discussed parking issues and reviewed the mitigation's of parking problems that will be realized by the proposed project.

Dr. Vance Peterson, President of Sierra Nevada College, provided an overview of the physical and academic structure of Sierra Nevada College, as well as the current and future plans to accomplish the College's educational and residential missions.

He discussed the parking project and advised that safety issues are their primary reason for the request; that the second major reason is efficiency; and that the third key reason is that they need to sell the parcels where the current parking is located so they can meet their financial responsibility under NRS 118B which governs the closure of mobile home parks. He further advised that their strategic master plan calls

for the closure and sale of the mobile home park property by September, 2000 in order to convert that under performing asset into an endowment supporting the educational mission of the College; that the College has no intention of building condominiums on the existing trailer park site, plans to do everything it can to maximize the economic value of the trailer park parcel and sell it to the highest bidder, and the future use will be left entirely up to the future owner; that no one associated with Sierra Nevada College is happy about the fact that it is necessary to move people out of their homes, but they believe that the greater public good is well served by the presence of a high quality independent liberal arts college in the community and the State; and that the residents affected have not been injured since the college is being required, at some financial cost to the College under Condition 12, to offer relocation to other spaces within the park.

Mr. Reaser responded to statements made by Mr. Seymour and stated that the statutes referred to relative to housing set forth policies, objectives, and the need to implement plans, and do not say that a local subdivision, etc. cannot make decisions; that the Nevada Legislature has shown on many occasions that, when it wants to force some kind of a land use plan or regulation to be imposed before any additional decision making is made, it is specifically set forth in the statute, and the statutes referred to do not do that; that there are Washoe County publications that indicate that the County is compliant with its fair share obligations; that the issue before the Board tonight is moving the six units into the park which does not eliminate any affordable housing, even though it may displace students that the college will have to find housing for; and that student housing is considered affordable housing by Federal standard, and for every college dormitory that is constructed the need for those college students to take affordable housing elsewhere in the community is eliminated; that Mr. Seymour has indicated that a number of public agencies in Northern Nevada have realized that affordable housing is an issue and they are starting to seriously look at that matter, but it will take a public commitment of funds, private and public partnerships, etc. to achieve those goals; and that there are conditions attached to the special use permit that address the issues brought up by Mr. Seymour.

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

Richard White, Dean of Student Affairs, Sierra Nevada College, stated that his main concern is for the safety of students; that the present parking lot represents a dangerous situation, and the proposed parking lot will be much safer; and that having students living in the mobile home park along with adult and family residents is not a compatible situation and the school wants to move them onto the school campus.

Arthur Shultz, Board of Trustees, Sierra Nevada College, and member of the Facilities and Grounds Committee, stated that he is speaking on behalf of the other board members when he says that they fully support the presentation of President Peterson. He reviewed their master plan goals, advising that an essential part of that plan is to move the subject parking lot.

Carol King, resident of the mobile home park, advised that she is one of the first six people to be moved. She discussed parking issues and stated that parking is a serious problem in the vicinity of the trailer park; that she believes the proposed plan will still create a problem because cars will block the entrance to the park; and that she is concerned about how emergency vehicles will get in and out of the college area.

Benjamin Solomon, former President and Chief Executive Officer of Sierra Nevada College, advised that he was the person that orchestrated the purchase of the mobile home park in 1982; that at that time the school realized they would be utilizing the property for college purposes and they made it very clear to the tenants that the park would eventually be closed; that when it became clear that the park would be closed

in the near future, the leases were reduced to one year or even less; and that these issues should not come as any surprise to the tenants.

Upon inquiry of Commissioner Shaw, Mr. Peterson advised that they are obligated under NRS 188B to notify the residents immediately after the formal decision is made to grant the special use permit and the tenants will have 180 days in which to relocate. He noted that they have done everything they can to provide advance notification well in excess of their responsibilities, advising that shortly after the Board of Trustees meeting last June where they approved the master plan to close the park and move the students out in the fall of 2000, the Incline Village Constable provided formal delivery of written notification to every owner and tenant in the park, which is a 27-month notification period.

John Hughes, park resident, advised that he has lived at the park for 10 years and his wife has been there for 20 years and the only indication they had that the park was going to close was the 27-month notification that Dr. Peterson indicated.

Ms. King stated that she bought her mobile home five years ago and was told at that time that there were no plans to sell the park; and that she feels sure that if the owners knew of this plan they would not have bought their homes. She advised that she received a notice after the last meeting with the Planning Commission; that the six residents involved received the same notice they received in August when Mr. Peterson told them that the plans had changed for the use of the college; and that not one of them were notified that they were supposed to be moved into the park.

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

Ms. Kvas commented that because this is an appeal, there has been no final decision, and when the decision is made and if the Board grants the request, the applicant is then required to send notice by the Constable indicating that the residents would have the opportunity to move within the park within a six-month time frame; and that the official notice has not yet been given to the six residents because the request has not yet been granted and that specific condition has not yet been approved. Ms. Kvas then responded to questions of the Board relative to the noticing process with regard to the Planning Commission hearing and tonight's meeting.

Dean Diederich, Planning Manager, Department of Community Development, advised that there is no time frame requirement for the adoption of a housing element spelled out within NRS 278.150 or NRS 278.160, and, therefore, there is no linkage between the special use permit approval and the lack of a housing element adopted by the County. He stated that Assembly Bill 506, Affordable Housing Study, dated September, 1996, as adopted by the Truckee Meadows Regional Planning Commission, was introduced and discussed at the Planning Commission hearing, and is made a part of this record; that the Analysis of the Impediments to Fair Housing provided by the Truckee Meadows Fair Housing Group, dated December, 1996, was pointed out at the Planning Commission and was also submitted to the Regional Planning Commission; that staff also referenced the Tahoe Regional Planning Agency Affordable Housing Needs Assessment Draft Fair Share Report at the Planning Commission meeting, as well as identifying that the Planning Commission has had ongoing discussions about the housing element direction and policy; and that staff would also like to include into this record the staff report and minutes for the March 19, 1996 Planning Commission review of the Draft AB506, Affordable Housing Study, as well as the November 17, 1998 discussion and direction item to staff regarding the Washoe County Comprehensive Plan Housing Element.

Mr. Seymour responded that he believes NRS 278.150 and 278.160 speak for themselves and the question is the obligation; that those statutes were enacted in 1995 and it has now been four years; that the intent is obvious that the County is to establish policies and plans in connection

with housing; that his point is that without those plans and policies, the County lacks criteria for making decisions that eliminate affordable housing; and that what the legislature has said about enacting policies should be observed and there should be public dialogue and evaluation in the Incline Village community as to what needs to be done.

Commissioner Galloway stated that staff has indicated that there is no definite time element for the adoption of the housing element and Condition No. 12 provides that the displaced persons will have first priority to relocate in the existing park; and that the College is in the process of building a larger number of affordable units for the students; that allowing for the park closure is not the issue before the Board tonight, which issue is a whole debate and discussion unto itself.

The following findings were made:

1. That the proposed project affords the applicant the opportunity to maximize a real estate asset, three single family residential lots, by relocating the current parking lot and would enable the college the opportunity to go forward with the goal of providing quality higher education in the liberal arts tradition to the region.
2. That the proposed use, an accessory parking lot, is not inconsistent with the action programs, policies, standards, and maps of the Comprehensive Plan and the Tahoe Area Plan.
3. That, as conditioned, adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities will be provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division 7.
4. That, with Stream Environment Zone restoration and drainage improvements, the site is physically suitable for the type of development and for the intensity of development.
5. That the issuance of the permit will not be significantly detrimental to the public health, safety, or welfare; injurious to the property or improvements of the adjacent properties, or detrimental to the character of the surrounding area.
6. That the Planning Commission and the County Commission gave reasoned consideration to the information contained within the staff report and information received during the meeting.

Based on the above findings, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the appeal by James Seymour be denied and the unanimous recommendation by the Planning Commission be upheld and Special Use Permit SPW8-29-98 for Sierra Nevada College be granted, subject to the following conditions:

CONDITIONS FOR

SPECIAL USE PERMIT CASE NO. SPW8-29-98 UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO GROUND DISTURBING ACTIVITIES. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE

OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

GENERAL CONDITIONS

1. The applicant shall obtain a valid TRPA permit and have TRPA approval (or conditional approval), within one year from the date of approval by the Washoe County Planning Commission. The applicant shall commence and complete construction in accordance with the time periods required by said permit(s).
2. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall be responsible for determining compliance with this condition.
3. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
4. The relocated parking lots shall provide 96 on-site available parking spaces including 4 handicapped parking spaces to the satisfaction of the staff of the Department of Community Development.
5. The 14 off-site parking spaces may be relocated off-site with:
 - (a) the installation of all required Best Management Practices (BMPs)
 - (b) The approval of the Washoe County traffic engineer after review for traffic safety issues; and
 - (c) Washoe County Roads Division for snow removal concerns.

Should the off-site locations not be available, the applicant shall provide the necessary 14 additional spaces on-site to the satisfaction of Department of Community Development staff.

6. The applicant may stripe the existing parking lot at McLean Library and obtain a 2 space parking credit. The inclusion of one handicapped parking space at the library entrance shall fulfill one of the required handicapped parking spaces.
7. The parking lot plans shall be revised to include four handicapped spaces at least one of which shall be north of David Hall and one on the McLean Library parcel to the satisfaction of the staff of the Department of Community Development.

8. The asphalt on the existing parking lot shall be removed and revegetated to the satisfaction of the staff of Tahoe Regional Planning Agency and the Department of Community Development prior to the lots being eligible for an allocation or the issuance of a building permit.
9. The applicant shall contact the Washoe County Engineering Division's traffic engineer to locate the appropriate cross walk location between the McLean Library parking lot and the main Mountain Campus.
10. Automatic timers shall be installed on all lighting fixtures to assure the lighting is shut off within one (1) hour after the end of the latest class to the satisfaction of the Department of Community Development staff.
11. A Stream Environment Zone (SEZ) restoration plan shall be submitted to the Tahoe Regional Planning Agency (TRPA) for their consideration and approval, including an implementation plan. The applicant shall submit a letter to the staff of the Department of Community Development from the TRPA indicating the approval of the agency and assurances for its implementation.
12. The resident owners of the displaced mobile homes shall be offered the choice of the location to move their mobile home in accordance with NRS 118. The first choice given shall be relocation within the College Park. A letter shall be submitted from each resident owner indicating that such a choice was given and the location chosen to the satisfaction of the Department of Community Development staff prior to any ground disturbance.
13. The report to the Planning Commission shall be made available to the applicant to all owners of mobile homes within College Park to the satisfaction of the staff of the Department of Community Development prior to any ground disturbance.
14. The applicant shall submit a letter from the staff of the Incline Village General Improvement District (IVGID) indicating they have inspected the abandonment of water and sewer utilities in the area of the trailers to be removed prior to the grading and asphalt installation of the parking lot area.

LANDSCAPING

15. Prior to any ground-disturbing activity, the applicant shall submit a landscaping plan for both the College Park and McLean Library parking lots to the Department of Community Development for review and approval by the Design Review Committee. Said plan shall address, but not be limited to:
 - a) parking lot circulation, wheel stop locations and striping;
 - b) exterior lighting fixtures;
 - c) fencing, including:
 - 1) fencing between adjacent residential lots and the proposed College Park lot;
 - 2) fencing or berming adjacent to College Drive for both lots;
 - 3) landscaping to provide screening instead of a fence on the north adjacent to Stream Environment Zone;
 - d) snow storage areas shall be shown and landscape materials and plant materials shall be shown that are appropriate for winter snow storage;

- e) large cedars, and their diameter, on the McLean Library parking lot location shall be shown on the landscape plan and landscape islands shall be situated in such a way to protect the existing large cedars;
- f) landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth) and landscaping location
- g) and landscaping irrigation system.

16. A financial assurance, in the form of a Certificate of Deposit or a bond shall be provided in an amount of 120% of the cost of installation to assure the landscaping installation. The financial assurance shall be available for release 90 days after the completion of the landscaping or 90 days into the next growing season whichever is longest to assure the landscaping thrives.

ENGINEERING CONDITIONS

17. A complete set of construction improvement drawings, including a grading plan, shall be submitted to the Engineering Division. Grading shall comply with Best Management Practices (BMPs) and shall include detailed plans for grading, drainage, erosion control, slope stabilization and mosquito abatement. Placement or disposal of any excavated materials shall be indicated on the grading plan. The approved, stamped plans from the Engineering Division shall be available to the staff of the Department of Community Development prior to any ground disturbing activities. The Engineering Division shall perform field inspections.

18. A twenty foot easement shall be recorded simultaneously with the Record and Survey in support of a Boundary Line Adjustment running beneath the parking aisle between College Drive and the existing bridge on the College Park parcel to assure continued secondary access to College Park to the satisfaction of the staff of the Department of Community Development and Engineering Division.

19. A grading bond in the amount of \$750.00/acre of disturbed area shall be submitted to the Engineering Division for revegetation of the parking lot areas prior to any ground disturbing activities.

20. The driveway approach shall have a 36 foot minimum width at the property line to the satisfaction of the staff of the Engineering Division.

OPERATIONAL CONDITIONS

21. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the development review staff to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the development review staff of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

98-1224 SALARY RANGES REVISIONS FOR THREE CLASSIFICATIONS - DISTRICT COURT

Upon recommendation of Cathy Krolak, Court Administrator, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that a 35% spread, bottom to top of the salary range, for the following classifications in District Court be authorized:

CLASSIFICATION	RECOMMENDED SALARY RANGE %	CURRENT SALARY RANGE %
Administrative Clerk II	\$9.8488 - \$13.1984 \$20,486.00-\$27,453.00 35%	\$10.76 - \$13.18 \$22,380.80-\$27,414.50 23.5%
Court Clerk		
Deputy Court Clerk II	\$13.1527 - \$17.6259 \$27,358.00-\$36,662.00 35%	\$13.57 - \$17.60 \$28,225.60-\$36,608.00 30.7%

98-1225 DONATION OF PC's - STATE OF NEVADA NOMADS PROJECT - TRANSFER FROM CONTINGENCY TO DISTRICT ATTORNEY IV-D FAMILY SUPPORT GRANT BUDGET - FINANCE

Katy Simon, County Manager, responded to questions of the Board regarding this item. Chairman Bond requested that a progress report be provided regarding the NOMADS project. Legal Counsel Shipman advised that staff has been conducting regular monthly updates and progress reports with a State Steering Committee that includes the DA Offices of Washoe, Douglas, and Clark Counties, and those reports could be forwarded to the Board on a regular basis. Chairman Bond advised that these reports would provide the updated information the Board would need regarding the project.

Commissioner Galloway stated that Washoe County needs to work with NOMADS because of the way the Federal Government structured the project and the need for compatibility with the rest of their system, although the policy unfortunately resulted in old technology being used to solve the problems; and that he hopes the County will be successful in addressing the other considerations set forth by staff and working something out with the State to obtain some help with the inputting of cases.

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the donation of PC's not to exceed 70 units to Clark County and other rural counties as part of the District Attorney's ongoing effort to help complete the State's NOMADS (Nevada Operations of Multi-Automated Data system) project be approved. It was further ordered that additions and a transfer from the contingency account to the District Attorney's IV-D Family Support Grant budget be authorized as follows:

REVENUES		
INCREASE	ACCOUNT	AMOUNT
1063G-4301	Federal contributions	\$191,386.00
	Total	\$191,386.00

EXPENDITURES

INCREASE	ACCOUNT	AMOUNT
1063G-7003	Overtime	\$210,000.00
1063G-7829	Computer Hardware	\$ 42,280.00
	Total	\$252,280.00

EXPENDITURES

DECREASE	ACCOUNT	AMOUNT
1890-7328	Contingency	\$ 60,894.00
	Total	\$ 60,894.00

98-1226 STATUS REPORT - PERFORMANCE EVALUATIONS - PERSONNEL

Joanne Ray, Chief of Personnel, thanked the Board for bringing to the attention of the Personnel Division the issue of timely completion of employee performance evaluations for each department. She stated that staff is pleased with the results; and that approximately 95% of the 520 evaluations were received on time, and as soon as the few evaluations still outstanding are received, the report will be 100% complete.

Commissioner Galloway commended those departments that are 100% complete at this time and commented that the Board direction should be reaffirmed that the timely completion of evaluations should be considered in the evaluation of the Department Head.

The Board acknowledged receipt of the Status Report regarding Performance Evaluations for the Period June 1, 1998 to November 30, 1998, as outlined in the agenda memorandum dated December 11, 1998, which is placed on file with the Clerk.

98-1227 WORKPLACE VIOLENCE POLICY - REVISED SEXUAL HARASSMENT POLICY - PERSONNEL

Katy Simon, County Manager, advised that the Workplace Violence Policy is a new policy that was developed over several months and will involve the formation of a workplace violence team; that the Sexual Harassment Policy is revised as a result of Supreme Court cases; and that she did a recorded interview today with KOH radio who was very interested in the County's Workplace Violence Policy and who applauded the County for this effort.

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the Workplace Violence Policy and Sexual Harassment Policy as revised be approved.

It was noted that the Workplace Violence Policy outlines safe employment practices and establishes a procedure whereby workplace violence concerns and complaints may be addressed; and that the current Sexual Harassment policy has been revised as a result of recent Supreme Court cases involving Sexual Harassment whereby the employer may be held liable for inappropriate behavior even when they have no prior knowledge of the behavior.

98-1228 APPOINTMENT - DIRECTOR OF COMMUNITY DEVELOPMENT - SET SALARY

Katy Simon, County Manager, introduced Robert Sellman, the recommended candidate for appointment as Director of Community Development. She advised that Mr. Sellman was the top candidate that emerged from the recruitment process and expressed her appreciation for the support of the assessment center panelists.

Mr. Sellman thanked the Board members for their consideration, stating it is a compliment to him and he appreciates being given the opportunity to serve the Board and the citizens of Washoe County.

Upon recommendation of Katy Simon, County Manager, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that Robert W. Sellman be appointed as Director of Community Development at an annual salary of \$87,006.40 effective January 11, 1999.

98-1229 FISCAL YEAR 1998-1999 FIRST QUARTER SALARY SAVINGS ALLOCATION - FINANCE

Upon recommendation of John Sherman, Interim Director, Finance Division, on motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that, pursuant to the policy adopted during the Fiscal Year 1998-1999 budget process, the following account adjustments for the Fiscal Year 1998-1999 first quarter salary savings allocations be authorized:

1. Direct the Comptroller to journal entry the accrued benefits costs of \$412,716 from the General Fund to the Accrued Benefits Fund.
2. Direct the Comptroller to reduce the General Fund salary and retirement accounts by \$1,105,521, and allocate that salary savings as follows:

Transfer \$412,716 to the Accrued Benefits Fund from the General Fund to pay for the first quarter accrued benefits costs, and Transfer \$692,806 to the contingency account in the General Fund.

98-1230 FISCAL YEAR 1997-1998 GENERAL FUND DEPARTMENT CARRYOVER

John Sherman, Interim Director, Finance Division, reviewed the alternatives recommended for the Board's consideration regarding the \$5 million dollars of carryover from FY 97/98.

Commissioner Galloway commented that he would hope that the Department Heads understand that this action was necessary because of the need for a better ending fund balance. He expressed appreciation for the department's efforts in not having spent every dollar in their budget and being able to generate carryover funds. Upon recommendation of John Sherman, Interim Director, Finance Division, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the following uses of the \$5,164,683 General Fund carryover from Fiscal Year 1997-1998 be authorized:

1. \$1,500,000 to be transferred to the Public Works Construction Fund and designated for technology replacement.
2. \$2,000,000 to revert to the fund balance of the General Fund.
3. \$250,000 to be transferred to the contingency account in the General Fund.

4. \$1,414,683 for departments to develop carryover plans for one-time only expenditures.

98-1231 RESOLUTION - AMENDMENT TO DEVELOPMENT CODE - MT. ROSE HIGHWAY SCENIC ROADWAY CORRIDOR STANDARDS - COMMUNITY DEVELOPMENT

Dean Diederich, Planning Manager, Department of Community Development, conducted an overhead document camera presentation exhibiting maps of the subject area. He reviewed background information relative to the Board's request that the process be initiated to amend the Mt. Rose Highway Scenic Roadway Corridor Standards to consider potential limitations of certain commercial uses along Mt. Rose Highway. As requested at yesterday's caucus meeting, Mr. Diederich presented a map depicting the 500-foot corridor. He discussed issues regarding the existing Mt. Rose Scenic Corridor standards and advised that if it is the Board's desire to start addressing land uses, a part of that discussion might include modification of that 500-ft boundary; and that if the Board chooses to initiate the amendment, the property owners along the Mt. Rose Highway would be notified that there might be some changes to the standards.

Mr. Diederich responded to questions raised by Commissioner Galloway relative to the possibility of implementing an architectural review process.

Upon recommendation of Dean Diederich, Planning Manager, Department of Community Development, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bond be authorized to execute:

RESOLUTION

INITIATING AN AMENDMENT TO THE WASHOE COUNTY DEVELOPMENT CODE RELATING TO MT. ROSE HIGHWAY SCENIC ROADWAY CORRIDOR STANDARDS

WHEREAS, In response to public safety and aesthetic concerns with certain commercial uses being established adjacent to the Mt. Rose Highway, modifications may be necessary to WASHOE COUNTY DEVELOPMENT CODE Article 204, Forest Area, and Article 214, Southwest Truckee Meadows Area Plan, to revise the Mt. Rose Highway Scenic Roadway Corridor Standards;

WHEREAS, There is a need to initiate an amendment to the WASHOE COUNTY DEVELOPMENT CODE to address the issues raised by the Galena Steamboat Citizen Advisory Board in the review of recent requests to amend the land use regulatory zones along the Mt. Rose Highway;

WHEREAS, There is no one person, group or entity who might appropriately file a WASHOE COUNTY DEVELOPMENT CODE amendment application on this subject; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby initiate an amendment to the WASHOE COUNTY DEVELOPMENT CODE, as authorized by Sections 110.818.05(a) of the Development Code, without prejudice to the final dispensation of the proposed amendments.

98-1232 DEED RESTRICTIONS OFFERED - WOODS VILLAGE, GALENA CENTER, GALENA VILLAGE, AND MT. ROSE ANTIQUES - COMMUNITY

DEVELOPMENT

This item was continued from the December 15, 1998 meeting [Item Nos. 98-1189].

Sharon Kvas, Planner, Department of Community Development, reviewed background information and responded to questions of the Board. She advised that there are deed restrictions on three properties on the Mt. Rose Highway that limit certain uses; and that the issue before the Board today is to determine whether to accept those deed restrictions.

Commissioner Galloway disclosed that he met with Mr. Fittinghoff and Mr. Frankovich to discuss the Woods Village project and it was his understanding that they could build under the site review process but would be limited to what they could do. He stated that he is troubled that the idea of deed restrictions was mentioned by one of the applicants at the Planning Commission but the issue was never really discussed, which raises a process issue whereby the Planning Commission can proceed with a lot of confidence as long as they know that what the County Commission is considering when reviewing their decision is based on the same information they received.

Ms. Kvas suggested that the Board might want to consider sending this item back to the Planning Commission for further discussion and also consider doing so after staff has had the opportunity to work on the revision of the Mt. Rose Highway Scenic Roadway Corridor as directed by the Board in the previous item.

Dean Diederich, Planning Manager, Department of Community Development, spoke to issues relative to the neighborhood commercial standards.

Alex Fittinghoff, representing Woods Village, stated that the Mt. Rose Highway and the forested areas of this community are very unique and some rules need to be crafted for those unique areas; that he believes instead of trying to create something that works everywhere in the County, the focus should be on something that works for the treed part of Mt. Rose Highway; that he would suggest that, if the County is going to change the rules, change them just below the forest line, or above the Callahan Ranch Road, or above the Wedge Parkway; and that everyone that is in a neighborhood commercial district above Wedge Parkway would have to go through a special use permit process. He noted that each of the four appellants before the Board today have gone through the process so it is not something new to them, and anyone being considered in the future should go through the same process. He further stated that he would not want to see the whole case opened up; that it took a year-long process to create the neighborhood commercial district and this would require doing that all over again to include these other issues; and that hopefully they will be included by the committee regarding this issue and come back to the Board indicating that everyone agrees on a process that is fair to all. He then stated that if they could have their two drafts of the deed restrictions and their two checks for \$7.00 back, the Board could consider it, from their perspective, a dead issue.

Commissioner Galloway stated that he does not think he could accept the deed restrictions and if another way can be found to address these issues, and the appellants are willing to pull back these deed restrictions, that would be his preference.

He asked if a better solution would be to send this matter back to the Planning Commission at such time as staff has the recommendations for revisions to the scenic corridor, by which time maybe everything could be resolved. Mr. Fittinghoff agreed to this suggestion.

Legal Counsel Shipman clarified that what is being requested is for the Board to send this matter back but hold the deed restrictions in

abeyance until the new scenic corridor standards have been developed, at which time they would then be processed back to the Planning Commission, as long as at least two of the applicants are willing to agree to this for the record that that is okay with them.

Carol Dodson, Loomis and Associates, representing Mt. Rose Antiques, advised that they have discussed the issue with their clients who have indicated that they would be more than happy to continue this item and put the deed restrictions on hold until such time as the process for possible revision of the corridor standards could be worked through. She stated that they appreciate the time and effort expended by the Board on this matter, noting that the Mt. Rose Corridor is a very unique area and needs to be treated as such.

Commissioner Galloway commended Ms. Dodson and Mr. Fittinghoff for working on a possible solution for this issue.

Ms. Kvas advised that she has received a letter from the Galena Village property owners asking for deferral on this matter, which provides agreement by three of the four appellants to continue this item.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the deed restrictions not be accepted.

98-1233 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA98-F-1 - MOSTAEDI, HAMACHER, JOHN AND NEWTON - COMMUNITY DEVELOPMENT

This item was continued from the November 24 and December 15, 1998 meetings. [Item Nos. 98-1136 and 98-1190]. It was noted that discussion relative to this item was held in conjunction with the previous item.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the Appeal of the Planning Commission Denial of Comprehensive Plan Amendment Case No. CPA98-F-1 be sent back to the Planning Commission for further discussion at such time as staff has had the opportunity to report recommended revisions to the Mt. Rose Scenic Corridor Regulations back to the Board for consideration.

98-1234 ELIMINATE FEE WAIVER - USE OF THE BLACK SPRINGS COMMUNITY BUILDING BY THE BLACK SPRINGS FIRST BAPTIST CHURCH - PARKS

Karen Mullen, Director, Department of Parks and Recreation, and Gregg Finkler, Park Operations Superintendent, were present to respond to questions of the Board.

On motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the fee waiver, formerly approved by the Board in July of 1985 under Item 85-886, for use of the Black Springs Community Building by the Black Springs First Baptist Church, be eliminated, effective December 31, 1998.

98-1235 GOLF COURSE REVENUE SUFFICIENCY FINDINGS - FEE SCHEDULE FOR 1999 - PARKS

Upon recommendation of Karen Mullen, Director, Department of Parks and Recreation, through Katy Simon, County Manager, which motion duly carried, Chairman Bond ordered that the golf course revenue sufficiency findings, which state that the golf course fee schedule is sufficient to pay for (1) annual operation and maintenance expenses, (2) annual debt service, and (3) any other amounts including operation and maintenance

reserves, capital reserves, and prior deficiencies relating to gross revenues, be approved.

It was further ordered that the golf course fee schedule for calendar year 1999, as set forth in the agenda material dated December 22, 1998 and placed on file with the Clerk, be approved.

98-1236 1999 FEE SCHEDULE - PARKS AND RECREATION DEPARTMENT

Gregg Finkler, Park Operations Superintendent, reviewed additional documentation provided in response to discussion held at yesterday's caucus meeting relative to what other local entities are charging for their summer recreation program, the possibility of adding an additional child discount to the County's summer recreation program, and the fee increase for a third field trip. He advised that a review of these issues indicate that while it is possible to offer an additional child discount, gross revenues would be lowered which would have to be accounted for either by a General Fund budget allocation by those participants not afforded the discount, and staff feels that their current practice of offering financial assistance for those showing a documented need more realistically addresses the issue of who should be granted a discount; and that, relative to the \$15 proposed increase to the Lemmon Valley Program to add a third field trip, staff feels it is prudent to formally survey all the families that would participate in the program to see if they are willing to endorse that increase.

Chairman Bond advised that she would want to make sure that participants have the opportunity to make the determination as to whether they want a third field trip and are willing to pay for it. Commissioner Galloway thanked Mr. Finkler and Ms. Mullen for their analysis and clarification of these issues.

Following further discussion, upon recommendation of Gregg Finkler, Parks Operations Superintendent, through Karen Mullen, Director, Department of Parks and Recreation, and Katy Simon, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the Parks and Recreation Department fee schedule for calendar year 1999, as set forth in the agenda material dated December 4, 1998 and placed on file with the Clerk, be approved.

98-1237 RESOLUTION - TRANSFER OF CONTROL - FRANCHISE FOR CABLE TV SERVICE - MEDIA ONE, INC. TO TELECOMMUNICATIONS, INC. (DBA TCI)

Commissioner Mouliot stated that he has previously made the statement that he would never vote on anything to do with TCI and that he would be abstaining on this item and the next item.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Commissioner Mouliot abstaining, it was ordered that the following Resolution granting a transfer of control of a non-exclusive franchise for Cable TV service in Washoe County in accordance with 47 U.S.C.537; N.R.S. Chapter 711 and Washoe County Ordinance 90.240, be adopted and Chairman Bond be authorized to execute:

Resolution by the Board of Commissioners of Washoe County, Nevada, Granting the Transfer of Control of the Nonexclusive Franchise for Cable TV Services in Washoe County from Media One of Nevada, Inc. to Tele-Communications, Inc. (dba TCI).

WHEREAS, Media One of Nevada, Inc. (formerly known as Telecab Communications, Inc.) ("Franchisee") owns, operates, and maintains a cable

television system ("System") in the County of Washoe, NV (the "Franchise Authority"), pursuant to the Cable Television Franchise Agreement dated March 21, 1989 ("the Franchise"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Franchisee and Ohio Cablevision Network, Inc. ("TCI") are parties to an Asset Purchase Agreement, pursuant to which Franchisee will transfer (the "Transfer") the System and the Franchise to TCI ("Transferee"); and

WHEREAS, Franchisee and transferee have requested consent by the Franchise Authority to the Transfer in accordance with the requirements of the Franchise and have filed an FCC Form 394 with the Franchise Authority; and

WHEREAS, The Franchise Authority has investigated the qualifications of Transferee and finds it to be a suitable transferee; now, therefore, be it

RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, to the extent that the consent of the Franchise Authority is required by the terms of the Franchise and applicable law, the Franchise Authority hereby consents to the transfer of control of the Franchise, which is currently in full force and effect with no outstanding defaults or breaches thereunder; and be it further

RESOLVED, That this Resolution shall have the force of a continuing agreement between Franchisee and the Franchise Authority and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and TCI.

98-1238 RESOLUTION - TRANSFER OF CONTROL - FRANCHISE FOR CABLE TV SERVICE - TELECOMMUNICATIONS, INC. (DBA TCI) TO AT&T CORPORATION

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Commissioner Mouliot abstaining, it was ordered that the following Resolution granting a transfer of control of a non-exclusive franchise for Cable TV service in Washoe County in accordance with 47 U.S.C.537; N.R.S. Chapter 711 and Washoe County Ordinance 90.240, be adopted and Chairman Bond be authorized to execute:

Resolution by the Board of Commissioners of Washoe County, Nevada, Granting the Transfer of Control of the Nonexclusive Franchise for Cable TV Services in Washoe County from Tele-Communications, Inc. (dba TCI) to AT&T Corporation.

WHEREAS, TCI Cablevision of Nevada, Inc. ("Franchisee") is duly authorized to operate and maintain a cable communications system in Washoe County, Nevada (the "System") by Washoe County ("Franchise Authority"), pursuant to a franchise ("the Franchise") granted by the Franchise authority; and

WHEREAS, pursuant to the Agreement and the Plan of Restructuring and Merger among AT&T Corporation ("AT&T") a newly formed wholly owned subsidiary of AT&T ("Merger Sub"), and Tele-Communications, Inc., the parent of Franchisee ("TCI"), dated as of June 23, 1998 (the "Merger Agreement"), Merger Sub will merge with and into TCI with TCI as the surviving corporation in the merger, and as a result of the transactions contemplated by the Merger Agreement, TCI will become a wholly owned subsidiary of AT&T (the "Transactions"); and

WHEREAS, Franchisee will continue to hold the Franchise after consummation of the Transactions; and

WHEREAS, FCC Form 394 with respect to the Transactions has been filed with the Franchise Authority; and

WHEREAS, the parties have requested consent by the Franchise Authority to the Transactions, now therefore, be it

RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, to the extent that the consent of the Franchise Authority is required by the terms of the Franchise and applicable law, the Franchise Authority hereby consents to the transfer of control of the Franchise, which is currently in full force and effect with no outstanding defaults or breaches thereunder; and be it further

RESOLVED, That this Resolution shall have the force of a continuing agreement between Franchisee and the Franchise Authority and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and AT&T Corporation.

98-1239 VOLUNTARY FEE - DESIGN AWARDS PROGRAM - COMMUNITY DEVELOPMENT

Dean Diederich, Planning Manager, Department of Community Development, reviewed background information regarding this item.

Chairman Bond stated that she believes the establishment of this fee is a great idea. Commissioner Galloway stated that he does not think there will be any objections from the participants as they were thrilled that the Board did this because of the value to them in terms of recognition. Mr. Diederich commented that it was his understanding that the participants helped identify the appropriate submittal fee level.

Upon recommendation of Cheryl Ryan, Department of Community Development, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that staff be directed to establish a fee for the Design Awards Program that would help pay for the design award plaques, and possibly supplement the awards ceremony program. It was noted that the fee would be voluntary in that participation in the program is not mandatory.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 7:55 p.m.

JOANNE BOND, Chairman
Washoe County Commission

ATTEST: BETTY LEWIS, County Clerk