

TUESDAY 1:30 P.M. JUNE 8, 1999

PRESENT:

- Jim Galloway, Chairman (arr. 2:45 p.m.)
- Ted Short, Vice Chairman
- Pete Sferrazza, Commissioner
- Jim Shaw, Commissioner
- Betty Jo Vonderheide, Chief Deputy County Clerk
- Amy Harvey, County Clerk
- Howard Reynolds, Assistant County Manager
- Katy Simon, County Manager
- Madelyn Shipman, Legal Counsel

ABSENT:

- Joanne Bond, Commissioner

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada, the meeting being delayed until 1:55 p.m., due to problems with the sound system.

Following the pledge of allegiance to the flag of our Country, the Chief Deputy County Clerk called the roll and the Board conducted the following business with Vice Chairman Short presiding until the arrival of Chairman Galloway.

99-521 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Vice-Chairman Short ordered that the agenda for the June 8, 1999 meeting be approved.

PUBLIC COMMENTS

Robert Metz, who has appeared numerous times before the Board previously on this item, advised that he is requesting to be placed on the agenda regarding his son, alleging mismanagement by the Social Services Department and District Attorney staff in his claims that his son is at risk of abuse and neglect. He stated that he will continue his appearances before the Board until he is placed on the agenda.

99-522 RESOLUTION - CONCERNING SUPPORT & PARTICIPATION OF CENSUS 2000

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be approved and Commissioner Galloway be authorized to execute:

A RESOLUTION SUPPORTING PARTICIPATION IN CENSUS 2000

WHEREAS, the United States Government will be undertaking the Decennial Census in the Year 2000; and

WHEREAS, the Census is vital to Washoe County in that it determines the apportionment of seats in the United States House of Representatives and Nevada State Legislature, and is the basis for the allocation of millions of dollars in Federal, State, and County funds for transportation, social, and other programs; and

WHEREAS, the Census is also used to help determine where to locate public services and facilities such as schools, day care centers, senior citizens, hospitals, fire and police stations, and is used by the private sector in making

decisions concerning business growth and jobs; and

WHEREAS, the considerable growth experienced by communities throughout Washoe County makes the Census an unusually important activity here, reinforcing the need for County citizens to stand up and be counted; and

WHEREAS, Washoe County joins with the U.S. Census Bureaus in recognizing the need for local partnerships to help spread the word about the importance of the Census and the confidentiality of the information collected; now, therefore, be it

RESOLVED, that the Washoe County Board of Commissioners gives their full support and participation in Census 2000 and will cooperate in regional efforts for developing a local Complete Count Committee of community, civic, and political leaders.

99-523 ACCEPTANCE OF GRANT - CORONER'S OFFICE

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Vice-Chairman Short ordered that acceptance from the State of Nevada of grant funds in the amount of \$65,000 for the Coroner's Office for computer, fingerprinting equipment be authorized and the following account changes made:

Increase Account

1531-4302	State Contributions	\$65,000
1531-7825	Miscellaneous Special Equipment	\$65,000

99-524 TRANSFER OF APPROPRIATIONS - SENIOR SERVICES 1998/99 BUDGET FOR TRAVEL

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Vice-Chairman Short ordered that the following adjustments be approved:

Account	Amount
Senior Service 025-2501-7398	Miscellaneous decrease by \$1,600
025-2501-7620	Travel increase by \$1,600

It was noted that the transfer of appropriations will allow two staff members, as required, to attend two out-of-state training sessions.

99-525 TRANSFER FROM CONTINGENCY - CAPITAL OUTLAY - WITTENBERG HALL

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Vice-Chairman Short ordered that the transfer of \$7,050 from the contingency fund to a capital outlay account within Juvenile Services for the purchase of capital outlay items be approved and the following account changes made:

Decrease Account	Amount
1890-7328 Contingency	\$7,050
Increase Account	
1275-7825 Miscellaneous Special Equipment	\$7,050

99-526 TRANSFER FROM CONTINGENCY - BUILDING AND SAFETY DEPARTMENT

Upon recommendation of Gary Goelitz, Senior Administrative Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner

Shaw, which motion duly carried, Vice-Chairman Short ordered that the transfer of \$14,500 from the contingency fund to the consulting services account be approved and the following account transactions be authorized:

Transfer From:

Account	Description	Amount
001-1890-7328	Contingency	\$14,500

Transfer To:

Account	Description	Amount
1545-7105	Consulting Services	\$14,500

99-527 ACCEPTANCE OF DONATION - K-9 UNIT - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Vice-Chairman Short ordered that donations from businesses and private citizens within the community be accepted.

It was further ordered that the following account transactions be authorized:

Increase Revenues:	15226D-5802	(donations)	\$1,050
Increase Expenditures:	15226D-7208	(animal supplies)	\$1,050

99-528 AUTHORIZATION - PURCHASE VIDEO TECHNOLOGY TO CREATE LINK BETWEEN PUBLIC DEFENDER'S OFFICE AND THE WASHOE COUNTY SHERIFF'S

Upon recommendation of Dennis Balaam, Undersheriff, Washoe County Sheriff's Office, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Vice-Chairman Short ordered that the Sheriff's Office be authorized to expend \$32,885.04 for the purchase of the items listed below:

- Two each 93-2033-001 dual video boards - \$4,000.00
- One each 93-02315-201 code 3 BRI interface - \$8,950.00
- One each SP2089 network termination device - \$639.00
- One each SP2113-2 Peripheral switch - \$310.00
- ISDN line installation - \$504.00
- ISDN line monthly charges - \$112.92 x 12 = \$1,355.04 (Nevada Bell Fee)
- Cat 5 wire - \$4,980.00
- Inter duct - \$1,000.00
- Cat 5 patch panel \$540.00
- Three video visitation stations - \$7,415.00
- Installation of all systems - \$3,192.00

99-529 WATER RIGHTS DEED - CITY OF SPARKS - WASHOE COUNTY - UTILITY SERVICES

Upon recommendation of John Collins, Manager, Utility Services Division, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Vice-Chairman Short ordered that the following actions be taken regarding dedication of water rights in support of Washoe County:

1. The attached Water Rights Deed for 17.14 acre-feet of groundwater rights being a portion of Permit 24493, Certificate 8058, further abrogated by Permit 64508, between City of Sparks, as Grantor, and Washoe County, as Grantee be approved.
2. The Chairman be authorized to execute the Water Rights Deed.
3. The Utility Services Manager be directed to record the Water Rights Deed with the County Recorder.

99-530 AUTHORIZATION - UTILITY SERVICES DIVISION - LETTER OF CREDIT - WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Division, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Vice-Chairman Short ordered that the following actions be taken:

1. Authorize staff to make demand in the amount of \$73,050 on Letter of Credit No. 869900036 for Sky Ranch North Unit 2C which expires June 9, 1999.
2. Approve and authorize the Chairman to execute the attached Sight Draft for Letter of Credit No. 869900036 in the amount of \$73,050.

99-531 APPLICATIONS - NEVADA DIVISION OF ENVIRONMENTAL PROTECTION - LOAN PRIORITY LIST - WASTEWATER - WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Division, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Vice-Chairman Short ordered that the submittal of applications to Nevada Division of Environmental Protection to place Washoe County on the Loan Priority List for the Pleasant Valley Interceptor (previously known as the Steamboat Interceptor), Lawton/Verdi Interceptor, South Truckee Meadows Wastewater Reclamation Facility Solids Processing Improvements, Horizon Hills Sewer Repair and Replacement, and Cold Springs Collection System (new project) be retroactively approved.

99-532 AWARD OF BID - DRUG TESTING SERVICES - BID NO. 2171-99 - SOCIAL SERVICES DEPARTMENT

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 May 10, 1999, for Drug Testing of the Washoe County Social Services Department. Proof was made that due and legal Notice had been given.

A sole bid, a copy of which was placed on file with the Clerk, was received from Associated Pathologists Laboratories.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Vice-Chairman Short ordered Bid Item #5, clinical testing, be rejected, as no bids on that item were received; and, to enter into a 24-month Agreement (July 1, 1999 - June 30, 2001) with Associated Pathologists Laboratories, in the estimated award amount of \$60,000.00.

It was noted that prices shall not increase for the duration of the resultant Agreement; and upon mutual agreement, the Agreement may be renewed for two additional one-year extensions, subject to a 3% increase in pricing.

99-533 AWARD OF BID - PAVING OVERLAY OF SELECTED STREETS - INCLINE VILLAGE AREA - PUBLIC WORKS

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 May 13, 1999, for Paving Overlay of Selected Streets in the Incline Village Area. Proof was made that due and legal Notice had been given.

Copies of bids, placed on file with the Clerk, were received from:

Granite Construction
Sierra Nevada Construction

Upon recommendation of Greg Belencio, P.E., Engineering Division, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the bid for paving overlay of selected streets in the Incline Village Area, Washoe County, Nevada (PWP-WA-1999-737) for the Public Works Department for the Engineering Division be awarded to the lowest responsive and responsible bidder, Granite Construction, for the Base Bid and Alternates No.1 and 2, in the estimated amount of \$431,676.00; and that Chairman Galloway be authorized to execute the contract documents upon presentation.

99-534 AWARD OF BID - LAZY 5 GUN CLUB DEMOLITION OF STRUCTURES 8000 PYRAMID LAKE HIGHWAY, -PUBLIC WORKS

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 May 11th & May 13, 1999, for the Lazy 5 Gun Club Demolition of Structures 8000 Pyramid Lake Highway. 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:

- T.W. Construction Company, Inc.
- Earl Games Construction
- Contri Construction
- A & K Earth Movers
- F.W. Carson Company

Upon recommendation of John Glutch, Inspector, Engineering Division, through David Roundtree, P.E., Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the bid for demolition of structures of Lazy 5 Gun Club at 8000 Pyramid Lake Highway, Washoe County, Nevada, for the Public Works Department, be awarded to the lowest responsive and responsible bidder, T.W. Construction Company, Inc., for the lump sum bid in the estimated amount of \$39,364.00; and that Chairman Galloway be authorized to execute the contract documents upon presentation.

99-535 CORRECTION OF FACTUAL ERRORS - 1999/2000 SECURED TAX ROLL - ASSESSOR

Upon recommendation of Tom Sokol, Assistant Chief Deputy Assessor, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual errors on tax bills already mailed, be approved for the reasons stated thereon and mailed to the affected property owners, a copy of which has been placed on file with the Clerk. It was further ordered that the Order on each roll change directing the Treasurer to correct the error be approved and Chairman Galloway be authorized to execute on behalf of the Commission.

Name	AP/ID No	
Sparks McCarran	LLC 027-520-02	(1999/00 Secured Roll)
Sparks McCarran	LLC 027-520-07	(1999/00 Secured Roll)
The Harvey Communications Group	2/100-727	(1998/99 Unsecured Roll)
Eva Ann Grandison	2/103-516	(1998/99 Unsecured Roll)
R & R Advertising, Ltd.	2/110-100	(1998/99 Unsecured Roll)
Jims Mobile Fleet Service Repair	2/139-082	(1998/99 Unsecured Roll)
Nevada Manufacturing Corp.	2/149-050	(1998/99 Unsecured Roll)
7 Eleven Food Store	2/203-237	(1998/99 Unsecured Roll)
A D I	2/300-212	(1998/99 Unsecured Roll)
Nextel of California, Inc.	2/472-104	(1998/99 Unsecured Roll)
Integrated Ingredients	2/512-001	(1998/99 Unsecured Roll)
Sparks McCarran, LLC	027-520-02	(1998/99 Unsecured Roll)
Sparks McCarran, LLC	027-520-07	(1998/99 Unsecured Roll)
Signal Sign Company	2/529-096	(1998/99 Unsecured Roll)

99-536 AGREEMENTS - RENO AND SPARKS JUSTICE COURTS AND DMV AND PUBLIC SAFETY - ACCESS TO NCJIS

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Vice-Chairman Short ordered that the agreements between the Department of Motor Vehicles (DMV) and Public Safety Records and Identification Services and the Reno and Sparks Justice Courts for access to the NCJIS be approved .

It was noted that the Nevada Criminal Justice Information System (NCJIS) is a computerized information system, established as a service to all local, state, and federal criminal justice and public safety agencies as well as other NCJIS approved non-criminal justice governmental agencies, and that the objective of NCJIS is to maintain an efficient, effective, and accurate system that will provide for the automated exchange of criminal justice and public safety information to all authorized system users.

99-537 AGREEMENT - WASHOE COUNTY AND JUVENILE SERVICES AND NEVADA DEPARTMENT OF EDUCATION - NATIONAL SCHOOL LUNCH/BREAKFAST & SPECIAL MILK PROGRAM

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Vice-Chairman Short ordered that the agreement regarding the National School Lunch/Breakfast and Special Milk Program for fiscal year 1999/00 be approved and Chairman Galloway be authorized to execute. It was noted that the term of the agreement is from July 1, 1999 through June 30, 2000, and the amounts of the grants were approved as part of the 1999/00 budget.

99-538 AGREEMENT - BETWEEN WASHOE COUNTY AND PROJECT RESTART, TO PROVIDE REPRESENTATIVE PAYEE SERVICES AND EXECUTE RESOLUTION FOR THE PERIOD OF JULY 1, 1999 THROUGH JUNE 30, 2000 - SOCIAL SERVICES

Upon recommendation of May Shelton, Department of Social Services, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Vice-Chairman Short ordered that the Grant Agreement with Project Restart in the grant amount of \$45,000 for the period of July 1, 1999 through June 30, 2000, be executed as authorized under the following to be executed by each member of the Board:

RESOLUTION

WHEREAS, Washoe County has the legal responsibility pursuant to NRS 428 to provide health care and general assistance to indigent persons who reside in the County;

WHEREAS, the Board of County Commissioners has the authority under NRS 244.1505 to expend money for grants to private, nonprofit organizations for selected purposes that will provide a substantial benefit to the inhabitants of Washoe County;

WHEREAS, the need for food, shelter, housing and social services to the needy in Washoe County far exceeds what State and local governments can provide and this need will continue to grow as the County's population grows; and

WHEREAS, Project Restart provides a program to provide representative payee services to the chronic mentally and/or physically ill population in order to insure that these individuals use any available income for shelter, food, medical, psychiatric, and social service needs.

NOW THEREFORE, BE IT RESOLVED THAT the Board of County Commissioners of Washoe County, Nevada, enters into a grant agreement in the amount of FORTY-FIVE THOUSAND DOLLARS (\$45,000) for fiscal year 1999/2000 with Project Restart to carry out its mission.

99-539 AGREEMENT RENEWAL - REGIONAL EMERGENCY MEDICAL SERVICES AUTHORITY (REMSA) - SOCIAL SERVICES

The Board considered renewal of the REMSA contract for fiscal year 1999/2000, in the amount of \$350,000.

Ken Retterath, Director of Adult Services, Social Services Department, in response to Commissioner Sferrazza's inquiry, reviewed charges that are required by Carson City for REMSA emergency medical services, noting that they exceed what Washoe County requires and that this contract will bring us up to Medicaid reimbursement rates of 40% of billed charges for ground ambulance, and 14% of billed charges for air ambulance.

In response to Commissioner Sferrazza, who stated that his concerns is that taxpayers are paying this, Legal Counsel Madelyn Shipman advised that the cost of services provided must relate to the cost of indigent care. Commissioner Sferrazza expressed his difficulty with this increase if it is not necessary and Ms. Shipman advised that the allocation has to be spent on this only and is required to be used in this manner.

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Short, which motion duly carried with Commissioner Sferrazza voting "no," Vice-Chairman Short ordered that the contract with REMSA for FY 1999/2000 for Fiscal Year 1999/2000 in the amount of \$350,000 be approved. It was further ordered that staff be directed to provide information to clarify the need of the changes in percentages and explain why there is no cap on the \$350,000.

99-540 JOHN J. CASEY ESTATE - PROCESSING OF TENTATIVE MAP - OPHIR LAKES - COMMUNITY DEVELOPMENT

The Board considered a request from Randall Venturacci, acting as Executor for the Estate of John J. Casey, for a two-year delay in the processing of a Tentative Subdivision Map (TM10-19-97) for Ophir Lakes since the estate is currently in negotiations with the Federal Government to acquire the property as open space.

Bob Sellman, Community Development Director, gave a report on the situation. Commissioner Sferrazza advised that the letter from Thomas Hall on behalf of the West Washoe Association contains conditions if the delay were granted which he does not feel are objectionable. Commissioner Short read this into the record and asked if open space designation is a legislative issue. Legal Counsel Madelyn Shipman stated that if the Board were to approve the extension, the number of homesites will be limited to 462. She also indicated that Mr. Sellman's staff must determine if the property in question will be going to the public interest.

Dean Diederich, Planning Manager, Community Development, displayed a concept map of Ophir Lakes and advised that this is not being approved in any phase; that instead of investing money to continue this, the Estate is asking that the process be deferred for two years while a different process is pursued. He advised that the CAB interacted on this and have worked closely with developer.

Jeff Codega, Jeff Codega Planning, advised that he believes this is in the public interest and will further the acquisition of open space in the County. Tom Belaustegui, applicant's representative, clarified that over the last year the estate has been contacted by a number of Federal agencies, private agencies, conservation groups, and private entities with the intent to get land into open space through public ownership.

Legal Counsel Madelyn Shipman noted that the American Land Conservancy often sells land to private industry and inquired if they can guarantee that this will be turned over to a public agency. Mr. Belaustegui stated that any sale would be subject to this two-year condition that the County has imposed, and if there were a sale to a third party and if that party were able, they would be bound by this agreement. Ms. Shipman stated that she needs assurance that the estate will not just maintain a paper agreement to protect it from private development, and there has to be some guarantee that it will not be turned over to someone who wants to develop. Mr. Belaustegui stated that it is everyone's intent to have it as open space and that it would be sold with the understanding of maintaining it as such.

Randy Venturacci, representing the Estate of John Casey, advised that their intent is for this to be acquired by individuals and the ultimate owners will have to agree to keep it in open space, and if they cannot do that through the sales, they will pickup any stop gap or shortage.

Tom Hall, representing the West Washoe Association, advised that this is somewhat of a two-edge sword and he would applaud the direction of going to a State Board and expressed his feeling that Mr. Casey would want that, noting that the development process has been ongoing for years.

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Chairman Galloway entered the meeting and assumed the gavel.

Mr. Hall then discussed the delay in the process and the reduction of planned homes to the 462, stating that he admires and trusts Mr. Belaustegui but they are somewhat disturbed with an application being two years old and the possibility that a comprehensive plan amendment may be requested to the originally planned 950 homes in the subdivision, which would not work in the event the open space does not occur. He then addressed the Agreement and requested that the Agreement cover all possibilities and come from a public agency .

Bob Rusk, representing West Washoe Valley Citizens Advisory Board, said they had a unanimous vote for this agreement; that it is remarkable that the government and a private owner got together to see what can be done; and that they want to see most of this property in open space. He added that West Washoe would be pleased with the direction this Board is taking, and that he wants to make sure that in the next two years, the process will not go forward through the solicitation of private sale to develop the property.

In response to Commissioner Sferrazza, who inquired of the necessity of delaying this for two years when it might be determined in one month, Legal Counsel Madelyn Shipman stated that it is her belief that this is covered in the agreement as well as the 462 homesites maximum. A discussion ensued concerning a report on whether this is being accomplished with due diligence; Ms. Shipman advised that perhaps a six-month status report would take care of that.

Mr. Belaustegui stated that if this is a 30-day or 6-month process, then the Estate will enter into an option with the Land Conservancy, but they have been told that two years is a common period of time for the Federal Government to reach completion.

John Singlaub, District Manager, Bureau of Land Management, Carson City, was present to answer questions. Mr. Singlaub stated that Senator Bryan has drafted language to put this in the public ownership. Chairman Galloway observed that the intent is that all parties will pursue this with due diligence and that this does not apply to an amendment. Ms. Shipman commented that this agreement is already specific to limit development to 462 homes and that more language added will not make it any more clear, as it does now restrict it to only public State purposes, and that she would guess that they can come back if this is not going to be open space and change the agreement at that point. She requested that applicant respond to that.

Mr. Venturacci stated that he does not know if the Judge will live by that as the Board would be binding the Estate on what they can do and they want to get this completed no matter what the vehicle; that he has no problem with a one-year report, but the Court might say enough is enough, and he agrees that more clauses are not needed as they all want it in open space.

Mr. Hall then reviewed his concerns. Legal Counsel Shipman stated that this is clearly a request from the property owner and there are provisions in State Law as to the time frame and the exceptions to those can be accomplished wherein applicant agrees to the process, and that in her view, the matter should be dealt with in the context of that particular statute and by approving this delay, their request is being agreed to.

On motion by Commissioner Shaw, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the draft agreement that delays for two years, until June 1, 2001, the processing of a Tentative Subdivision Map for the Ophir Lakes property located on both sides of Highway 395 in North Washoe Valley, to provide adequate time for the pursuit of acquisition of the property as open space as it has been found to be in the public's best interest, and that staff be directed to provide a status report to the Board at six-month intervals during those two years. It was further ordered that an additional condition of deferral be added to the Agreement as No. 7 to the effect that the Estate exercise due diligence in the pursuit of the open space acquisition.

MINUTES

On motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, with Chairman Galloway abstaining on the April 27th minutes, Chairman Galloway ordered that the minutes of the regular meetings of April 22nd, April 27th, and May 4, 1999, be approved.

99-541 APPOINTMENTS - AIRPORT NOISE ADVISORY PANEL

Commissioner Sferrazza indicated that he has an additional nomination to this panel and would like to make it and would like to know if this Board follows any rules of order in their proceedings. Legal Counsel Madelyn Shipman stated that the Board has set its own policy standards which does not designate any formal rules of order to fall back on, which they may wish to address at a future retreat. It was noted that this position was advertised for applications; that candidates were interviewed by Commissioners Short and Shaw, and that there is no provision for making additional nominations to those who applied in response to the advertisement.

Sam Dehne, Reno citizen, in his public comment, gave contrary remarks concerning the Airport Noise Advisory Panel.

Following discussion, on motion by Commissioner Short, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Steve Schumacher be reappointed and Robert Cameron and Bruce Gruenwald appointed to the Airport Noise Advisory Panel to terms expiring May 31, 2001.

99-542 APPOINTMENTS - LIBRARY BOARD OF TRUSTEES

On motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Galloway ordered that Norman Rosenberg be reappointed and Buddy H. Fujii be appointed to the Library Board of Trustees to terms expiring June 30, 2003.

99-543 ANNUAL REVIEW OF FEES - CORONER

Upon recommendation of Vernon O. McCarty, Washoe County Coroner, on motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Galloway ordered that the fees charged for autopsy services in behalf of agencies outside the County be increased to \$430 and for select limited examination cases to \$295 for fiscal year 1999/2000. In response to an inquiry, Mr. McCarty explained the difference in the two autopsies stating that, in the limited cases, it is performed just to document the trajectory of the wound and the body is not examined in its entirety.

99-544 FERNLEY-WADSWORTH SOLUTE TRANSPORT STUDY - DRI CONTRACT CONTINUANCE - WATER RESOURCES

Upon recommendation of Steve Walker, Water Management Planner, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Short, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the contract with Desert Research Institute (DRI) in the amount of \$106,710 from the Regional Water Management Fund for the second phase of the Fernley-Wadsworth Solute Transport Study be approved.

99-545 NEW POLICY RECOMMENDATION FOR HIGH RISK EVENTS - PARKS & RECREATION DEPARTMENT

Greg Finkler, Parks Operations Superintendent, addressed the department recommendation to adopt a new Parks & Recreation Department policy for high-risk events to include paying for security, paying an increased cleaning/damage deposit, and other related policies at the discretion of the Director of Parks & Recreation.

He stated that this new policy would better deal with problems associated with a high risk nature, and in a recent discussion with the Sheriff's staff, there has been an escalating pattern in this type of activity during special events; that the problems include events that take place in community centers involving 100 to 200 people and uninvited parties that show up; that these include fraternity parties, dance parties, etc., and involve use of alcohol; and that there is some form of music, either a dance or a disc jockey.

In response to Commissioner Sferrazza, Mr. Finkler stated that specific events numbered 8 where a mess was left, in one event a 4-foot gumball machine was taken; that most of these events were Quincianeras, which is a Hispanic coming-out parties for girls on their 15th birthday, and involved underage drinking, and were held at Sun Valley and North Valleys Community Centers.

Karen Mullen, Director, Parks & Recreation, advised that what is occurring is the adults are bringing alcohol to the parties and kids drinking; that they would like to prohibit the ability to serve alcohol at these parties, which are primarily held for a youth function, to try and maintain control.

The Board then discussed the cost involved in hiring security guards as proposed and Chairman Galloway noted that maybe this should be reviewed a little more to determine exactly what is needed. Commissioner Sferrazza stated that he would agree in limiting alcohol but making it more expensive for a law abiding citizen to do this might be construed as a discriminatory action.

In response to Chairman Galloway's inquiry if the person causing the damage can be identified, Ms. Mullen stated that what happens is that there are seven buildings that on any night could all be rented and becomes a matter of what is adequate and what should be covered to ensure safety. She added that they surveyed Arizona and California for their policies and found that Washoe County is one of the last to invoke a new policy governing private parties in public places.

The County Manager stated that she believes that the Sheriff has supported the proposal as it is very expensive to pay deputies overtime as well as the additional staffing requirement. Chairman Galloway said that he believes we need someone from the Sheriff's Department to comment on this as well as other information to make an informed conclusion.

Mr. Finkler stated that they are more than willing to do more research and fine tuning. He advised that in his discussion with other agencies he has been advised that the more stringent requirements and prohibiting the use of alcohol where children are involved have not resulted in fewer events and the increase in numbers to rent the facilities has continued, and because of our modest price and because we do not require security at this point, the parks are becoming a dumping ground and a very attractive magnet for these events.

Commissioner Shaw stated that perhaps it would be wise to learn from occurrences in the past and next time around refuse to rent our facilities in Sun Valley and the North Valleys to those particular groups.

Chairman Galloway stated that there may be cases where the County can give someone an option of providing their own security and if they are unable, they do not get to use the facility at all, and that imposing conditions such as this might help deter such problematic groups.

Commissioner Sferrazza again expressed his concern that targeting a certain group may not be wise. Mr. Finkler stated that they are not doing so but are rather targeting the major event. He noted that they do not have the means to control uninvited participants and can only target the user group.

Following discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that staff of the Department of Parks & Recreation be directed to contact the Sheriff staff for their input to determine the cost to them in policing these events as opposed to the hiring of private security, and to contact the Hispanic community for their comments.

Legal Counsel Madelyn Shipman stated that the discretion of the Director of Parks & Recreation to classify an event as "high risk," would need to be protected with provisions for an appeal process.

99-546 RECOMMENDATIONS CONCERNING BONEYARD FLAT - WATER RESOURCES

John Collins, Utility Services Manager, advised that 2,408 lots are covered by this proposed project for storm drainage maintenance responsibility and that the concept of how to proceed with preparing the Interlocal Cooperative Agreement needs direction so that this Boneyard Flat project may proceed.

He further stated that everything is in order with what is in line with the financing of the plan and also the adoption of the Resolution will set forth the intent of Washoe County to reimburse out of bond proceeds the cost of a certain project, and also the process of preparing the impact fee for the flood control is under way. He stated that he has received various comments on the

appropriateness of charging a fee and those kinds of questions would be addressed at the public hearing. He stated that the District Attorney has made them aware of specific procedure to follow and do all the appropriate steps. He reviewed the steps as contained in his memorandum to the County Manager dated June 4, 1999, including the Reno-Sparks Indian Colony's request to transfer Fee Title to Trust Application of APN's 089-460-01 and 089-460-02 for which staff wants direction. He then addressed in detail Table 1--Summary of Cost by Agency and Project Component which table summarizes each agency's financial participation in the Boneyard Flat Storm Water Drainage Facilities. A dialogue then took place between Chairman Galloway and Mr. Collins about the range of fees.

Chairman Galloway then called on those wishing to speak. Arlan Melendez, Chairman of the Reno-Sparks Indian Colony (RSIC), stated that RSIC has been working cooperatively with the County in trying to find an easement that would satisfy everyone; that there were four alternatives in consideration on this drainage system, and that two years ago RSIC informed the County that an easement that would run through the middle of their property was not acceptable; that RSIC is trying to place their land into trust status and it is being held up because that determination has not been made and they have met with County staff several times to try and resolve this to no avail; and that RSIC is requesting that the Board give some direction to staff to move this along.

Carol Pinto, Planning Director for RSIC, stated that the Tribe has been working cooperatively with the County and has told the Public Works Department which easement they would like them to use, and there was only one out of the four or five that were acceptable; that until this hearing today, RSIC was not told that NDOT did not support that easement, although the Bureau of Indian Affairs would honor all current easements. She stated that they also were not informed until today, that if there was no easement, Boneyard Flats would not be developed; that they would like to work with the County in this matter, because Boneyard Flats would benefit them as well; and that RSIC has identified to the County which routes would be acceptable, and had informed the County that maybe the Tribe could share the costs.

Commissioner Sferrazza stated that he would support RSIC in obtaining trust status, but there would be some condition on the easement, noting that if the trust status goes through before there is an agreement, the County would have to go through the Secretary of Interior to obtain an easement.

Scott Donovan, a Spanish Springs resident, said that he would like the community members to be given notice and have the Citizens Advisory Board conduct workshops.

Lois Avery, a Spanish Springs resident, expressed her opinion that impact fees should be spread out among all residents, including those who live more north, but still use Pyramid Lake Highway, since the flood project will benefit all persons who live along the Pyramid Lake Highway, although there seems to be only one area that gets flooded, and has flooded only once in the four years she has resided in Spanish Springs.

David R. Roundtree, Public Works Director, stated that RSIC has been working cooperatively with the County, and that they have informed the RSIC of at least five alignments that could be used; that RSIC has said they do not want to have the easement running straight through the middle; but that NDOT does not want to use the alignment that RSIC suggested be used, which took the channel under Eagle Canyon Drive and Pyramid Highway. He advised that they have been working with RSIC to find the one that will least impact their property, but there has been no agreement between NDOT and the County for this design.

Chairman Galloway stated that the County should dismiss the least possible easement for consideration, although the Board at this time is unable to support their trust application.

Cindy Shapiro, Economic Planning Developer for the Reno-Sparks Indian Colony, stated that the County needs to come to a decision regarding the easements; that the underground alternative is not acceptable to RSIC. She further stated until a decision is made RSIC cannot plan any kind of development, but will continue pursuing trust status for their land.

In response to Chairman Galloway's inquiry as to what RSIC is looking at in respect to monetary value, Carol Pinto stated that the Tribe would accept fair market value for the easement.

Katy Simon, County Manager, stated that the County could not move forward until they conduct hydraulic tests to see where the alignment would work the best, and she has been informed that the County could come up with a design within ninety days.

Mr. Melendez requested that since it has already taken so long to get to this point, he would request that staff diligently pursue a design within sixty days.

Chairman Galloway then requested staff to state the constraints the County is under and explain those to everyone.

David Roundtree stated that they could develop an Interlocal agreement, and subsequent to that they could move forward with the design. Following some deliberation, Ms. Simon stated that the County will put forth every effort to submit a design within sixty days.

Following discussion, on motion by Commissioner Shaw, seconded by Vice-chairman Short, which motion duly carried, it was ordered that

- (1) receipt of Boneyard Flat Spanish Springs Valley Flood Control Financing Plan be acknowledged;
- (2) the preparation by staff of an Interlocal cooperative agreement between the City of Sparks, the State of Nevada, the Department of Transportation, and Washoe County formalizing financing concepts presented in Financing Plan be directed and returned to the County Commission for approval; and
- (3) the preparation of the impact fee and utility ordinance for public hearing and consideration by the County Commission commence.

It was further ordered that the following be adopted and executed:

RESOLUTION SETTING FORTH THE INTENT OF WASHOE COUNTY, NEVADA, TO REIMBURSE OUT OF BOND PROCEEDS THE COST OF A CERTAIN PROJECT

WHEREAS, Washoe County, Nevada (the "County") is authorized to construct, improve and otherwise acquire the Boneyard Flat Storm Water Drainage Facilities (the "Project") and the Board of County Commissioners (the "Board") of the County anticipates so constructing, improving and otherwise acquiring the Project; and

WHEREAS, the Board expects to incur certain expenses in connection with the Project and intends to reimburse itself for such expenditures with the proceeds of the bonds (the "Bonds") issued for the Project in the approximate principal amount of \$10,210,000; and

WHEREAS, regulations promulgated under the Internal Revenue Code of 1986, as amended, require that the County make a declaration of its intent to reimburse expenses with the proceeds of the bonds if bonds are to be issued on a tax exempt basis.

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

Section 1. The County hereby declares its intent to reimburse the costs of the Project out of the proceeds of the bonds. This is a declaration of official intent under 1.150-2 of the Regulations promulgated under the Internal Revenue Code of 1986, as amended.

Section 2. The Board hereby determines and declares that:

- (a) The County intends to incur expenditures with respect to the project prior to the issuance of the bonds and to reimburse those expenditures from the issuance of the bonds; and
- (b) The payment of costs related to the Project and the reimbursement of such costs from the proceeds of the bonds is consistent with the County's budgetary and financial circumstances as of the date of this Resolution.

The County does not currently have moneys which are, nor does the County reasonably expect moneys to be allocated on a long-term basis, reserved or otherwise available pursuant to the County's budget to pay the expenditures which the County intends to reimburse.

Section 3. The Board hereby determines that it will authorize and issue the bonds, upon terms satisfactory to the County at the time of the issuance of the Bonds, in one or more series, to pay the cost of the project, together with the costs incident to the authorization, issuance and sale of the Bonds, and will take all further action which is necessary or desirable in connection therewith.

Section 4. This Resolution shall take effect immediately upon its passage and adoption.

* * * * *

Chairman Galloway further ordered that staff proceed to complete alternative analysis and design within sixty days so that the necessary easements, if any, may be acquired, thus providing a timely manner for the Reno-Sparks Indian Colony to transfer Fee Title to Trust Application of APN's 089-460-01 and 089-460-02 as requested.

99-547 RATES - TCI CABLEVISION OF NEVADA, INC. - TCI CABLEVISION OF CALIFORNIA, INC. - PURCHASING

This item was continued from May 18, 1999 [See item No. 99-449] in order to obtain additional information relative to the Board's authority regarding TCI's cable service. Chairman Galloway stated that staff has advised that, as the franchising authority, the Board has limited authority and has no control over what is included in TCI's basic cable service.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the rates submitted by TCI Cablevision of Nevada, Inc. and TCI Cablevision of California, Inc. as submitted in their F.C.C. Form 1240 and 1205 filings for the period of June 1, 1999 through May 31, 2000, which is outlined in the agenda memorandum dated May 7, 1999 and placed on file with the Clerk, be approved.

99-548 PUBLIC HEARING - ALTURAS POWER LINE MITIGATION FUNDS - COMMUNITY DEVELOPMENT

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on May 28, 1999, to review the Alturas power line mitigation funds project description sheets and associated staff comments for the proposed Alturas power line mitigation funds projects, to receive public comment and testimony on the proposed projects, to determine if the projects should be selected for funding with the Alturas power line mitigation funds, and to appoint an appropriate Washoe County department as project manager for the approved projects. Proof was made that due and legal notice had been given.

Bob Webb, Community Coordinator, Department of Community Development, reviewed background information advising that Sierra Pacific Power Company, as part of its approval of the special use permit in March of 1997, agreed to donate a total of \$3,000,000 to be paid in installments to the County for mitigation of the impact of the Alturas Power Line; that, pursuant to questions asked at yesterday's caucus meeting, he has provided a graphic depicting the allocation of funding received to date for all impacted areas, which is approximately 50% of the funds to be received from Sierra Pacific Power Company; that the County Commissioners approved a process to disburse these funds; and that two task forces representing the Grandview Terrace/Horizon Hills and Lemmon Valley/Military Road area have held community meetings which resulted in the six projects presented to the Board today. He advised that members of the community and the task forces are present; and that their representatives will be addressing the Board regarding the various projects.

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

The following persons spoke in support of the projects and responded to questions of the Board:

Ken Pulver, Audubon Society - Lemmon Valley Marsh and Playa Project, Swan Lake Nature Study Area
James Tatomar, President of the North Valleys Babe Ruth League - North Valleys Regional Sports Complex
Mike Stone - multi-purpose trail system in Lemmon Valley

Mr. Webb advised that a representative for North Valleys Regional Skateboard Park and In-line Skating Facility was not able to be present this evening.

Karen Mullen, Director, Department of Parks and Recreation, provided comments and information relative to this project.

Joseph Townsell, Chairman, Grandview Terrace/Horizon Hills Task Force - Black Springs community building expansion and the installation of street lights in the Grandview Terrace area and Howard Hansen, member of the Grandview Terrace/Horizon Hills Task Force and Board of Directors of the Babe Ruth Baseball League, presented documentation depicting the costs and current revenue sources for completion of the baseball field projects in the future, noting that additional funding sources will be needed.

Commissioner Sferrazza asked whether the mitigation funds were being used for projects that would otherwise be paid for by the County. Ms. Mullen stated that the County does not currently have money available to build additional ball fields; that Parks is excited that the community has chosen the sports complex as an area of focus; and that they would like to work with the community to obtain additional grant funds.

Mr. Webb added that although the ball fields are in the master plan, those and other projects being discussed this evening are not currently within the budget or projected budget of the Parks Department. Further discussion was held regarding funding issues and Commissioner Sferrazza stated that he simply wants to make sure that the mitigation funds are not considered as part of the General Fund and that these neighborhoods are not short changed of their proportionate share of funding for future projects. Chairman Galloway agreed and stated that the only way to guarantee that does not happen is to make sure that just as much money goes to these areas as would have without the Alturas mitigation funds. Ms. Mullen confirmed that that is the procedure followed by the Parks Department.

Norma Brownell, Chairman, Lemmon Valley Task Force, stated that the task force had a long list of things they wanted and needed in the Lemmon Valley area, and their main objective was to serve the children in the community; and that the trails are very important and they are hoping to tie the Stead and Lemmon Valley communities together, noting that walking on Lemmon Drive right now is not a good situation.

Jimmy Richmond, Black Springs resident, stated that he would like to see the funds allocated to individual homeowners to improve their property, as he thinks that is a better idea than to expand the community building which is rarely ever used.

Geri Willems, Chairman of the Stead/Anderson Acres Ad Hoc Committee and Chairman of the Stead Neighborhood Advisory Board, advised that the majority of the committee supports all of the improvements to the North Valleys Regional Sports Complex; and that she sees this as their one opportunity to get the regional park going so that it could be a focal point for the North Valleys.

Gary Feero, North Valleys CAB, discussed issues relating to the North Valleys Regional Sports Complex, noting that thousands of people are coming into the area and a financial vehicle needs to be found to provide additional recreation facilities. He then commented that a large portion of bond money allocated for the North Valleys was sent to the Spanish Springs Park. Upon inquiry, Ms. Mullen advised that the original bond amount apportioned \$2.5 million for the North Valleys; and that the bond language was very general and \$1 million was approved by the County Commission to purchase land for the Spanish Springs Regional Park and \$1.5 million was expended at the North Valleys Regional Park. Chairman Galloway stated that he recently had a conversation with a Commissioner who indicated that they definitely felt that Spanish Springs was a part of the North Valleys; and that this was an action of another Board, but more history on that issue could be obtained at a future date.

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

Chairman Galloway asked Mr. Townsell to respond to the comments made by Mr. Richmond relative to the Black Springs and Grandview

Terrace/Horizon Hills projects. Mr. Townsell advised that following discussion at one of their meetings, it was determined that approving funds on an individual basis did not meet the criteria of allocating the mitigation funds as the basis for the funds was for projects that would enhance the entire community; that all their meetings were public and the task force made it clear that they wanted to hear from the community concerning their ideas and concerns; and that they hope to continue to move forward to resolve every issue that the Grandview Terrace and Horizon Hills residents want done in their communities. Upon inquiry of Chairman Galloway, Legal Counsel Shipman, advised that the criteria established and approved by the Board was that the mitigation funds would have an overall public benefit and would not involve individual projects.

Chairman Galloway recognized approximately 15 people in the audience who were members of the task force or gave input to the task force on these projects.

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the following projects be approved for funding with the Alturas power line mitigation funds:

- A. Black Springs community building expansion (Grandview Terrace/Horizon Hills community); \$330,000.
- B. Lemmon Valley Marsh and Playa Project, Swan Lake Nature Study Area (Lemmon Valley/Military Road community): \$100,000.
- C. New regulation size baseball fields at the North Valleys Regional Sports Complex (Lemmon Valley/Military Road community); \$100,000.
- D. North Valleys Regional Skateboard Park and In-line Skating Facility (Lemmon Valley/Military Road community): \$100,000.
- E. Install street lights in the Grandview Terrace area (Grandview Terrace/Horizon Hills community); \$1,750.
- F. Multi-purpose trail system in Lemmon Valley (Lemmon Valley/Military Road community); \$100,000.

It was further ordered that the following Washoe County departments be appointed as project manager for the approved projects:

Parks and Recreation Department

- Lemmon Valley Marsh and Playa Project, Swan Lake Nature Study Area
- New regulation size baseball fields at the North Valleys Regional Sports Complex
- North Valleys Regional Skateboard Park
- Multi-purpose trail system in Lemmon Valley

Public Works Department

- Install street lights in the Grandview Terrace area
- Public Works Department (lead) with Parks and Recreation Department
- Black Springs community building expansion

99-549 PUBLIC HEARING - ASSESSMENT ROLL - SPECIAL ASSESSMENT DISTRICT NO. 26 (MATTERHORN)- CONTINUED

5:00 p.m. This was the time set in a notice of public hearing mailed by the Public Works Department to all property owners of Special Assessment District No. 26.

David Roundtree, Public Works Director, advised that staff has recommended that this item be continued because it was not properly noticed in the local newspaper.

Chairman Galloway opened the public hearing and called on those wishing to speak, and there was no response.

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that this item be continued to the July 13, 1999 meeting.

99-550 PUBLIC HEARING - ASSESSMENT ROLL - SPECIAL ASSESSMENT DISTRICT NO. 27 (PLACERVILLE/OSAGE) - CONTINUED

5:00 p.m. This was the time set in a notice of public hearing mailed by the Public Works Department to all property owners of Special Assessment District No. 27.

David Roundtree, Public Works Director, advised that this item was not properly noticed in the local newspaper and staff has recommended that it be continued.

Chairman Galloway opened the public hearing and called on those wishing to speak, and there was no response.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that this item be continued to the July 13, 1999 meeting.

99-551 REGIONAL ROAD IMPACT FEE CAPITAL IMPROVEMENTS PROGRAM - REGIONAL ROAD IMPACT FEE - REVISED ADMINISTRATIVE MANUAL - COMMUNITY DEVELOPMENT

5:00 p.m. This was the time set to conduct a public hearing to consider the approval and adoption of the Regional Road Impact Fee Capital Improvements Program, Regional Road Impact Fee, and Revised Administrative Manual, to be heard in conjunction with the second reading and adoption of the ordinance relating to the Regional Road Impact Fee. [See BCC Item No. 99-552]

Mike Harper, Special Projects, Manager, Department of Community Development, provided background information regarding this item.

Chris Louis, Acting Administrator, Regional Road Impact Fee Program, Regional Transportation Commission, advised that the proposed revisions reflect changes to provide uniformity in the language used by Washoe County, the City of Reno, and the City of Sparks relative to the Regional Road Impact Fee.

Chairman Galloway opened the public hearing and called on those wishing to speak. There being no response, the public hearing was closed.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that the Regional Road Impact Fee Capital Improvements Program, the Regional Road Impact Fee, and the Revised Administrative Manual be approved and adopted.

99-552 BILL NO. 1242 - ORDINANCE NO. 1066 - AMENDING WCC CHAPTER 110 (DEVELOPMENT CODE) - REGIONAL ROAD IMPACT FEE

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on May 28, 1999, to consider the second reading and adoption of Bill No. 1242. Proof was made that due and legal notice had been given.

Chairman Galloway opened the public hearing and called on those wishing to speak. There being no response, the public hearing was closed.

Having made the following findings:

1. The amendments streamline the amendment process for changes to the Regional Road Impact Fee,
2. The amendments standardize the components of the Regional Road Impact Fee provisions with the City of Reno and City of Sparks,
3. The amendments direct users of the Regional Road Impact Fee to one standard document,
4. The amendments are in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan,
5. The amendments will not adversely impact the public health, safety, or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code,
6. The amendments respond to conditions that were not foreseen at the time that the Development Code was adopted and the requested amendments allow for more flexibility in the utilization of land within the regulatory zones,
7. The amendments may assist in the implementation of the Conservation Element and will not adversely affect the implementation of the Population Element,

8. This action is based upon due and careful consideration of the information provided in the staff report, other written testimony received and the testimony presented at the public hearing, and

9. The Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the public hearing, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that Ordinance No. 1066, Bill No. 1242, entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING PROVISIONS RELATING TO THE REGIONAL ROAD IMPACT FEE BY INCORPORATING A REFERENCE TO THE REGIONAL ROAD IMPACT FEE SYSTEM GENERAL ADMINISTRATIVE MANUAL AND DELETING SECTIONS THAT REFER TO THE INTERLOCAL COOPERATIVE AGREEMENT, LEVEL OF SERVICE STANDARD, ADMINISTRATIVE MANUAL, DEFINITIONS AND RULES OF CONSTRUCTION, FEES TO BE IMPOSED ON TRAFFIC GENERATING LAND DEVELOPMENT ACTIVITY, INDEPENDENT FEE CALCULATION STUDY, CREDITS, REFUND OF FEES, PRIVATE AMENDMENTS TO REGIONAL CIP AND LOCAL CIPs, REVIEW EVERY TWO YEARS; ADOPTING THE MOST CURRENT CAPITAL IMPROVEMENTS PROGRAM AND FEE SCHEDULE; AND OTHER MATTERS PROPERLY RELATED THERETO," be approved, adopted, and published in accordance with NRS 244.100.

99-553 BILL NO. 1243 - ORDINANCE NO. 1067 - AMENDING WCC CHAPTER 110 (DEVELOPMENT CODE) - DEDICATION OF WATER RIGHTS IN THE NORTH VALLEYS AREA

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on May 28, 1999, to consider the second reading and adoption of Bill No. 1243. Proof was made that due and legal notice had been given.

Mike Harper, Special Projects Manager, Department of Community Development, advised that this ordinance would implement a policy decision the Board made in December and will bring the ordinance provisions into compliance with the policies and action programs of the County's Comprehensive Plan.

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

George Peek, President, Lemmon Valley Land Company, spoke in support of the ordinance.

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

Having made the following findings:

1. The amendments implement a change approved by the Board of County Commissioners for the North Valleys Area Plan,
2. The amendments are in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan,
3. The amendments will not adversely impact the public health, safety, or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code,
4. The amendments respond to conditions that were not foreseen at the time that the Development Code was adopted and the requested amendments allow for more flexibility in the utilization of land within the regulatory zones,
5. The amendments may assist in the implementation of the Conservation Element and will not adversely affect the implementation of the Population Element,
6. This action is based upon due and careful consideration of the information provided in the staff report, other written testimony received and the testimony presented at the public hearing, and
7. The Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the public hearing, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Ordinance No. 1067, Bill No. 1243, entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING PROVISIONS RELATING TO ARTICLE 208, NORTH VALLEYS AREA, BY AMENDING THE WATER RIGHTS DEDICATION REQUIREMENTS TO CHANGE THE TIMING OF DEDICATION TO THE TIME A FINAL SUBDIVISION OR PARCEL MAP, OR A FINAL MAP OF DIVISION INTO LARGE PARCELS IS SUBMITTED, A SPECIAL USE PERMIT OR OTHER DEVELOPMENT APPLICATION IS SUBMITTED, WHICHEVER FIRST OCCURS AND DELETING PROVISIONS THAT REQUIRE THE DEDICATION OF WATER RIGHTS AT THE TIME OF SUBMITTAL OF A COMPREHENSIVE PLAN AMENDMENT; AND OTHER MATTERS PROPERLY RELATED THERETO," be approved, adopted, and published in accordance with NRS 244.100.

99-554 BILL NO. 1244 - ORDINANCE NO. 1068 - AMENDING ORDINANCE NO. 1000 CREATING DISTRICT NO. 24 (GROUNDWATER REMEDIATION)

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on May 28, 1999, to consider the second reading and adoption of Bill No. 1244. Proof was made that due and legal notice had been given.

Leonard Crowe, Water Resources Planning Manager, advised that nine additions have been added to the exclusion list, which parcels are either undeveloped, on domestic wells, or are receiving water from companies that are wholly independent from Sierra Pacific Power Company. Mr. Crowe then responded to questions of the Board.

Legal Counsel Shipman stated that the ordinance could be adopted with the requested amendment as the addition of the nine parcels to the exclusion list would not constitute a substantial change to the ordinance since it reduces a liability.

Chairman Galloway opened the public hearing and called on those wishing to speak. There being no response, the public hearing was closed.

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that Ordinance No. 1068, Bill No. 1244, entitled "AN ORDINANCE AMENDING ORDINANCE NO. 1000 CREATING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) IN ORDER TO CHANGE THE BOUNDARIES OF THE DISTRICT; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF," as amended to include the addition of nine parcels to the exclusion list, be approved, adopted, and published in accordance with NRS 244.100.

99-555 BILL NO. 1245 - ORDINANCE NO. 1069 - LEVYING FEE - DISTRICT NO. 24 (GROUNDWATER REMEDIATION)

5:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on May 28, 1999, to consider the second reading and adoption of Bill No. 1245. Proof was made that due and legal notice had been given.

Chairman Galloway opened the public hearing and called on those wishing to speak. There being no response, the public hearing was closed.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, Chairman Galloway ordered that Ordinance No. 1069, Bill No. 1245, entitled "AN ORDINANCE CONCERNING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION); PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; IMPOSING A FEE TO PAY SUCH COSTS ON THE PARCELS OF LAND IN SUCH DISTRICT NO. 24; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE FEE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THOSE PURPOSES; AND PRESCRIBING OTHER MATTERS RELATING THERETO," be approved, adopted, and published in accordance with NRS 244.100.

99-556 ABANDONMENT CASE NO. AB9-13-98- DENNIS AND KATHERINE HART (APN 130-241-19) - APPEAL

5:00 p.m. This was the time set in a Notice of Public Hearing mailed by certified mail by the Department of Community Development to abutting property owners on May 28, 1999 and published in the Reno Gazette-Journal on May 29, 1999, to appeal the decision of the Washoe County Planning Commission to deny the applicant's request, Abandonment Case No. AB9-13-98, to abandon the westerly terminus of Vivian Lane.

The length of the stub requested to be abandoned is approximately 91 feet in length and 30 feet in width and begins +130 feet from the middle of the hammerhead. The abandoned property would revert to the adjacent properties, Assessor's Parcel No. 130-241-18 and 19, Lots 4 and 5 of Incline Park Subdivision recorded on June 10, 1947.

The applicant's property is located at 1145 Vivian Lane. The subdivision is located south (lakeside) of Lakeshore between Debra Lane and Pine Cone Circle, +1,000 feet from the eastern intersection of Tahoe Boulevard (SR 28) and Lakeshore Boulevard. The area is designated High Density Suburban (HDS) in the Tahoe Area Plan and is situated in a portion of Section 23, T16N, R18E, MDM, Washoe County, Nevada within Commission District 1 (Applicant's Adjacent Parcel APN: 130-241-19). Proof was made that due and legal notice had been given.

Sharon Kvas, Community Development, presented overhead maps and photographs depicting the subject and surrounding properties. She reviewed background information, the findings and decision of the Planning Commission, and the Board's options concerning the abandonment request. Ms. Kvas advised that Vivian Lane is a very narrow roadway; that a letter has been filed by the attorney for Mr. Abramowitz, the adjacent property owner on the other side of the stub, stating that he is willing to accept 1/2 of the abandoned roadway; that the application originally requested a 91-foot abandonment and the reviewing agencies indicated that they needed an additional 25 feet for snow storage; that the first abandonment request for Vivian Lane was applied for in June, 1997 by Mr. Hart, which was denied and appealed; and that the second abandonment request was made by the Vivian Lane Homeowner's Association and was deferred. Ms. Kvas then responded to questions of the Board and presented a letter from Sam Leftwich, President of the Vivian Lane Homeowner's Association, dated June 1, 1999, which states their opposition of the abandonment request because they believe the entire street should benefit rather than one or two individuals.

Upon inquiry of Commissioner Sferrazza, Ms. Kvas advised that Mr. Marx's property is located on Debra Lane and abuts the end of the hammerhead; and that he indicated to the Planning Commission that he uses the pedestrian gate to go out of his backyard and walk up and down Vivian Lane. Commissioner Sferrazza commented that if Mr. Marx walks down Vivian Lane, although he could use Debra Lane, he considers there is a public use of the roadway and no one should be forced to go someplace else.

Chairman Galloway discussed issues relative to the findings of the Planning Commission and noted that one of the findings is that the abandonment was strictly for the personal benefit of the adjacent properties. Legal Counsel Shipman advised that the courts have said that that is not the test for an abandonment; and that the abandonment test is material injury to the public. Discussion was then held relative to the abandonment request history of Vivian Lane, the adjoining property owners on Debra Lane, the Abramowitz property, etc. and Ms. Kvas advised that the properties on Debra Lane are located in a different subdivision than those on Vivian Lane.

Chairman Galloway disclosed that he visited the site and met with the attorneys representing both sides of the issue; and that Mr. Hart and Mrs. Ingemanson were also present at that time.

Mark Tokunaga, attorney for the applicants, stated that there is a conflict between Washoe County Code and Nevada Revised Statutes relative to detriment versus material injury; that the Supreme Court has said that state language indicates that a mere detriment is not enough to defeat an abandonment; and that the legislative intent of NRS278.480 is to favor abandonment's. Ms. Shipman commented that Washoe County Code clearly states that the Board must find a material injury to the public on an abandonment appeal. Mr. Tokunaga further stated that the County is only obligated to provide one access and Mr. Marx has that access; and that a Battalion Chief at Incline has indicated that there would be sufficient emergency access if the abandonment is approved. He then referred to pictures submitted to the Board depicting the property and containing one computer simulation of the landscaping the applicant intends to do with the abandoned property, noting that Mr. Hart's intent is to make that area consistent with his property since the area being requested to be abandoned is currently unimproved and not maintained. Mr. Tokunaga also discussed the meaning of "material injury" and their contention that, while the inability of Mr. Marx to take walks on that property may be considered a detriment, that would not represent a material injury and would not be sufficient to defeat the abandonment application. He then discussed issues relative to parking, advising that the abandonment of this 65 feet is not going to affect any parking problem on Vivian Lane; and that the subject area has not been used for parking in the last five years that Mr. Hart has owned the property, and under Washoe County requirements that area could not accommodate parking. He stated that the real issue is that the homeowners are not happy with Mr. Hart because he has not supported abandonment of the entire street, explaining that Mr. Hart is concerned about what will happen with snow removal and maintenance as the Homeowner's Association reserves are very inadequate. Mr. Tokunaga then responded to questions of the Board.

Lenore Erber, Landscape Architect, Ward Young Architecture and Planning, advised that the site plan was prepared to address aesthetic and functional issues and the photo simulation identifies the visual improvement of the terminus from the previously existing conditions; and that the design was intended to accommodate snow removal and storage with hearty shrubs and turf and a gravel strip off the pavement.

Dennis Hart, applicant, stated that the entrance to his home is terrible as it is an unimproved County road that has overgrown vegetation, etc. which he cleaned twice at his own expense; that his application for abandonment occurred before he had any

knowledge of the homeowner's plan to abandon the entire street; that he has spent a great deal of time and money to follow the letter of law because he does not want to do anything that is not in accordance with the rules; that he has honored every request that the various County agencies have made; and that there is no material damage to the adjacent homeowners, noting that the President of the Homeowner's Association told him that they would drop their opposition if he would support abandonment of the entire street. Mr. Hart then responded to questions of the Board.

John Shadek, attorney representing the Vivian Lane Homeowner's Association, stated that the real issue is that the applicants intend to construct a fence and make the abandonment area a portion of their own estate; and that once the fence goes up, the property cannot be used for snow storage and drainage or for vehicle parking. He further stated that the proposed abandonment would create a material and public detriment for the following reasons which he discussed in detail and demonstrated with photographs and documentation contained in their exhibits:

- (1) Parking - the area has historically been utilized by the homeowners and their guests,
- (2) Snow Removal - traditionally, snow has been piled in the stub area although in the past year snowplows have been unable to get to that area because of a trailer Mr. Hart had parked there,
- (3) Snow Drainage - stacking snow where Mr. Hart proposes would be on asphalt and the snow melt would run directly into one of the other residential properties.

Mr. Shadek then advised that there is also a procedural issue being that the petition from Mr. Hart asks for the abandonment of the entire stub, but he is only entitled to receive 1/2 of the street, and, if Mr. Abramowitz is agreeable to the abandonment of the other 1/2 of the roadway, he should have signed the application as well. He further stated that the CAB has unanimously recommended denial on three previous occasions based on the parking problem and the bad faith of Mr. Hart in dumping sand, rock, and debris in the stub area, and parking the trailer in that area all winter. Mr. Shadek then responded to questions of the Board.

Upon inquiry of Chairman Galloway, Legal Counsel Shipman advised that the abandonment would need to be backed by the property owners on both sides of the street and the application is really only for the 1/2 that would go to the Hart property; that, however, a letter is on file that states that Mr. Abramowitz has agreed to the total abandonment; and that should the abandonment request be approved, the Board would actually be authorizing Mr. Hart's 1/2 of the roadway but could conditionally authorize the other 1/2 if Mr. Abramowitz enters into some type of agreement with Mr. Hart to allow him to landscape that property.

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

Maryanne Ingemanson, Vivian Lane Homeowner's Association, stated that Mr. Hart was aware that the Homeowner's Association was planning to abandon the entire street and was waiting for the County to attempt to correct the horrendous drainage problem into one of the properties; that the Association has enough money to maintain the street; that when Mr. Hart parked his trailer on the stub area this winter and with the enormous boulders that were placed at the end of the street, the snowplow operator could not get to that area; and that when the snowplow operator sees the fence that Mr. Hart is planning to construct, he will not go into that area. Ms. Ingemanson responded to questions of the Board and advised that there was parking at that site until construction vehicles and material took up that space.

Gary Collomb advised that he has been the property manager for Mr. Hart for two years and during that period he has not seen any vehicles other than construction vehicles parked in the area proposed to be abandoned; that in the two years he has been at the site, he has only seen Mr. Marx walk across the property on two occasions; and that he does not believe the proposed fence and landscaping is intended to make the area look like Mr. Hart's private property. Mr. Collomb then answered questions of the Board.

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

A discussion commenced regarding the various issues brought forth, and Ms. Kvas and David Roundtree, Public Works Director, responded to further questions of the Board.

Chairman Galloway stated that, although he welcomes the beautification that Mr. Hart is proposing, many concerns have been raised,

with the major issue for him being adequate provisions for snow removal. Commissioner Short stated that he is primarily concerned with snow storage and that the CAB and the Planning Commission have not supported the abandonment. Commissioner Shaw stated that if the homeowners and the CAB are not in favor of the abandonment, and there are problems with snow, drainage, and safety, he has reservations about approving the request. Commissioner Sferrazza stated that he agrees with the comments made by the other Board members and noted that there was parking in that area historically which continued until recently; that the space was occupied by construction material which made it impossible to park in the subject area; that Mr. Marx uses his pedestrian gate to access that property; and that he finds that the public would be materially injured by the abandonment for safety, parking, and pedestrian access reasons. Chairman Galloway noted that the fact that there is benefit primarily to Mr. Hart and Mr. Abramowitz does not weigh with him, but the deciding issue is the parking situation and the reduced space for snow storage. Following discussion, it was determined that the finding of the Planning Commission concerning personal benefit could not be made.

Having made the following findings:

- 1. That the abandonment creates safety issues involving parking, snow removal and drainage,
- 2. That there is a detriment to the remaining property owners,
- 3. That the public would be materially damaged by the abandonment, and
- 4. That the Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Galloway ordered that the appeal be denied and the recommendation of the Planning Commission be upheld, and Abandonment Case No. AB9-13-98 for Dennis and Katherine Hart be denied.

99-557 STATUS REPORT - NORTHGATE AND WILDCREEK GOLF COURSES

Katy Simon, County Manager, stated that the RSCVA has indicated that they will be reviewing the County's proposal with their Finance Committee and Board at their June 24, 1999 meeting, and will provide a response to the County after that date.

COMMISSIONERS' /MANAGER'S COMMENTS

Katy Simon, County Manager, provided a status report on the Sparks election being held today and advised that the process with the Registrar of Voter's office is working very well.

Commissioner Short noted that there were some problems at a CAB last evening that stemmed from the fact that people were not notified of some paving plans and major construction on some roads; and that he would request that staff provide better notification to the public in the future regarding these types of projects.

Chairman Galloway stated that an issue was presented to him at one of his public meetings regarding the fact that variance requests require a two-week notice and that it might be desirable to have a three-week notification requirement; and that he will discuss that issue with Community Development and possibly bring it back to the Board.

County Manager Simon advised that the offer of employment to Mr. Medved as Director of General Services has been withdrawn and she has directed the Personnel Department to review the references of the next three candidates ranked by the Assessment Center Panel; and that she will be re-interviewing the top candidates for that position.

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There being no further business to come before the Board, the meeting adjourned at 9:25 p.m.

JIM GALLOWAY, Chairman
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

