

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

3:00 P.M.

JANUARY 16, 2001

PRESENT:

Jim Shaw, Chairman
Pete Sferrazza, Vice Chairman
Ted Short, Commissioner
Joanne Bond, Commissioner
Jim Galloway, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

01-49 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the agenda for the January 16, 2001, meeting be approved.

PUBLIC COMMENTS

Chairman Shaw advised that anyone who wished to make public comment on Item 20, the Appeal hearing of Washoe County Business License Division's denial of a Permanent Adult Characterized Business License to Janra Enterprises, Inc, dba Susie's Adult Superstore, make their comments now, because when they get to that item only staff and legal counsel for Janra Enterprises will be allowed to speak.

Robert Metz, area resident, said governmental entities should listen to their constituents. He said he would like to make a 30-minute presentation to the Board concerning a proposal for the court facilities.

Sam Dehne, Reno citizen, expressed his concern about the necessity of expanding air cargo flights at the airport. He commented that cargo flights are leaving half-empty as it is.

Guy Felton, area resident, expressed his concern about local governments.

Lori Bushey, area resident, expressed her discontent with Commissioner Galloway's comment "small property owners," when he referred to her and her brother.

Gary Schmidt, area resident, advised that he has repeatedly been denied access to public records from several departments within the County. He questioned whether the County has a standard policy concerning the release of public records.

Martin Crowley, area resident, requested that Item 25, the appointments to the Justice Facilities Working Committee be moved to the front of the agenda. Mr. Crowley said he submitted an application for consideration of appointment to this committee.

COMMISSIONER AND MANAGER'S COMMENTS

Commissioner Galloway clarified that any remarks he made concerning the size of a property had to do with the principal involved i.e., the Regional Planning Commission attempting to amend the Reno-Stead Joint Corridor Plan without the concurrence of both entities of the joint plan.

Commissioner Sferrazza said he had previously requested a report concerning requests for public information. Katy Singlaub, County Manager, advised the District Attorney's office is working on that request.

Commissioner Short said the Board should request the Regional Water Planning Commission put on the public record the impact of the Retrac Project to the Glendale Water Treatment Plant.

In response to Chairman Shaw's request, Katy Singlaub, County Manager, said the request for applications to the Airport Authority Board will be published two times in the local newspaper.

01-50 MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the minutes of the regular meeting of December 12, 2000, be continued. It was further ordered that a transcript of the discussion and motion on December 12, 2000, of Item 00-1190 Regional Plan Amendment Proposals – Bushey and McMullen/Beckwourth Properties, be submitted to the Commissioners by the County Clerk's office as soon as possible.

01-51 GENERAL HEALTH & PUBLIC WORKS CONSTRUCTION FUNDS – FINANCIAL REPORT – NOVEMBER 30, 2000 - COMPTROLLER

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried,

Chairman Shaw ordered that the General, Health & Public Works Construction Funds Financial Report for Washoe County (unaudited) for the month ended November 30, 2000, be accepted.

01-52 DONATION – LCD PROJECTOR – SHERIFF’S OFFICE SEARCH AND RESCUE UNIT

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the donation from the Washoe County Sheriff’s Office Search and Rescue Unit, a non-profit 501(c) independent corporation, of one new LCD Projector (Make: PROXIMA, Model: ULTRALIGHT LS2, Serial # G0905534) with an approximate market value of \$5,995.00 be accepted with gratitude.

01-53 ACCEPTANCE OF SPECIAL TRAFFIC SAFETY ENFORCEMENT GRANT - NEVADA DEPARTMENT OF MOTOR VEHICLES - SHERIFF’S DEPARTMENT

Upon recommendation of Dennis Balaam, Sheriff, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the Special Traffic Safety Enforcement Grant from the Nevada Department of Motor Vehicles, Office of Traffic Safety, in the amount of \$55,000.00 be accepted, and Chairman Shaw be authorized to execute the Project Agreement document. It was further ordered that the following revenue and expenditure budget adjustments be authorized:

	<u>FY 2000/2001</u>	
152610G-4301	\$15,000.00	
152610G-7245		\$ 4,000.00
152610G-7825		\$11,000.00
	<u>FY 2001/2002</u>	
152610G-4301	\$20,000.00	
152610G-7245		\$ 3,500.00
152610G-7825		\$16,500.00
	<u>FY 2002/2003</u>	
152610G-4301	\$20,000.00	
152610G-7245		\$11,850.00
152610G-7230		\$ 4,250.00
152610G-7357		\$ 3,900.00

It was further ordered that the Sheriff's Office be authorized to purchase the following capital outlay items: FY 2000/2001 two in-car video cameras and ten rear radar antennas; FY 2001/2002 three in-car video cameras and eight rear radar antennas; and FY 2002/2003 nine rear radar antennas and twenty preliminary breath test devices and monies for traffic safety educational material.

01-54 RESOLUTION – RED ROCK ESTATES INC.

Upon recommendation of Janelle Thomas, Engineering Division through Dave Roundtree, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Shaw be authorized to execute:

RESOLUTION FOR ACCEPTING STREETS

**DIVISION OF LAND MAP FOR RED ROCK ESTATES, INC.,
DIVISION OF LAND MAP NO. 33, DOCUMENT NO. 578296, RECORDED
DECEMBER 20, 1978.**

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and

WHEREAS, Matterhorn Boulevard, formerly Pacific Stage Road, were offered for dedication by Division of Land Map No. 33, Document No. 578296, recorded on December 20, 1978; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the street for public use; and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards; and

WHEREAS, said streets are necessary for public access; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Washoe, pursuant to the authority of NRS 278.390, that Matterhorn Boulevard shown on Division of Land Map No. 33 is hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

01-55 AUTHORIZE TRANSFER – TRAVEL ACCOUNT – PLANNING COMMISSION – NATIONAL AMERICAN PLANNING ASSOCIATION CONFERENCE IN NEW ORLEANS

Upon recommendation of Robert Sellman, Director, Community Development Department, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the Department of Community Development be authorized to transfer \$4,000.00 currently in departmental training accounts to the travel account. It was further ordered that four Planning Commissioners be authorized to attend the National American Planning Association Conference March 10-14, 2001.

01-56 ACCEPTANCE OF IN KIND AWARD – AEROSOL SPECIATION SAMPLER SYSTEM – U.S. ENVIRONMENTAL PROTECTION AGENCY - AIR QUALITY MANAGEMENT DIVISION

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the “in kind” grant award of an Aerosol Speciation Sampler System awarded to the Washoe County District Health Department’s Air Quality Division by the United States Environmental Protection Agency be accepted.

01-57 AMENDMENT – SEXUALLY TRANSMITTED DISEASES CONTROL PROGRAM BUDGET FY 2000/2001 – HEALTH DEPARTMENT

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the proposed amendment to the Sexually Transmitted Diseases Control Program Budget for FY 2000/2001 be approved and amendments made in the following accounts:

<u>Account Number</u>	<u>Description</u>	<u>Amount of Increase/(Decrease)</u>
002-1700-1713G1-4301	Federal Funds	\$5,000
002-1700-1713G1-7001	Salaries	(\$192)
7003	Overtime	(\$104)
7025	Salary Adjustment	(\$464)
7247	Medical Supplies	<u>\$5,760</u>
	Total Expenditures	<u>\$5,000</u>

01-58

AWARD OF BID – 35,000# GVWR 5-YARD DUMP TRUCK – BID NO. ITB-2269-01 – GENERAL 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 December 6 and 27, 2000, for a new 35,000# GVWR 5-Yard Dump Truck, on behalf of the Equipment Services Division, Washoe County General Services Department. 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:

Sierra Freightliners
Sierra Truck Body & Equipment
Silver State International
Worthen Kenworth & Equip. Inc.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that Bid No. ITB-2269-01 for a new 35,000# GVWR 5-Yard Dump Truck, on behalf of the Equipment Services Division, be awarded to Sierra Freightliner in the net amount of \$56,989.70.

01-59

AWARD OF BID – TORO GREENSMaster 3050 MOWERS – BID NO. ITB-2272-01 – PARKS & RECREATION 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 December 13, 2000, for two new Toro Greensmaster 3050 Mowers, on behalf of the Washoe County Parks & Recreation Department. Proof was made that due and legal Notice had been given.

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

Turf Star Inc.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that Bid No. ITB-2272-01 for two new Toro Greensmaster 3050 Mowers, on behalf of the Washoe County Parks & Recreation Department, be awarded to Turf Star Inc., in the amount of \$20,779.00 per mower for a total bid award of \$41,598.00.

01-60

ACCEPTANCE OF DEVELOPER BUILT WATER AND SEWER FACILITIES – DEDICATED TO WASHOE COUNTY

Upon recommendation of Jeff Tissier, Senior Accountant, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Sferazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the following list of developer built water, sewer, and reclaimed facilities, which have been dedicated to Washoe County be accepted:

<u>WATER FACILITIES</u>	<u>DWR NO.</u>	<u>VALUE</u>
Arrowcreek Village 1B-34 lots	66417092	\$104,392.00
Galena Canyon – 29 lots (Mt. Rose)	66417105	\$214,450.00
Galena Village (Mt. Rose Hwy)	66417067	\$ 52,295.00
Heron’s Landing Unit 2 – 62 lots	66417053	\$ 75,731.00
Motor Cargo – SMP (Double Diamond)	66417172	\$ 11,058.00
Sage Ridge School Phase II (Thomas Creek)	66417173	\$ 19,220.00
Spectra Novae Building 1 SMP (Double Diamond)	66417024	\$ 5,236.00
The Pointe – SMP (Double Diamond)	66417033	\$ 28,056.00
Thomas Creek Office Building #3 (Double Diamond)	66417170	\$ 3,843.00
WATER TOTAL		<u>\$514,281.00</u>

<u>SEWER FACILITIES</u>	<u>DWR NO.</u>	<u>VALUE</u>
Arrowcreek Village 1B-34 lots (STMWRF)	66498092	\$104,579.00
Barnes & Noble-Damonte Distribution Center	66498192	\$ 3,514.00
Diamond Auto Body (TMWRF)	66498181	\$ 878.00
Galena Terrace Unit 10-16 lots	66498157	\$ 14,055.00
Galena Terrace Village (Mt. Rose Hwy)	66498067	\$ 38,557.00
Motor Cargo- SMP (STMWRF)	66498172	\$ 3,616.00
Sage Ridge School Phase II (STMWRF)	66498173	\$ 14,220.00
Sierra Design Group (TMWRF)	66498180	\$ 16,111.00
SEWER TOTAL		<u>\$195,530.00</u>

TOTAL VALUE \$709,811.00

01-61

GRANTS OF EASEMENT – MONTREUX GOLF CLUB LTD – MONTREUX DEVELOPMENT GROUP LLC – WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Sferazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the Grants of Easement for a sewer line from Montreux Golf Club, LTD, and Montreux Development Group, LLC, as Grantors and Washoe County as Grantee, be accepted. It was further ordered that the Manager of the Utility Services Division be directed to record the same with the County Recorder’s office.

01-62 WATER RIGHTS DEEDS – TIMOTHY TUCKER – WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered as follows:

1. The Water Rights Deed for a total combined duty of 24.64 acre-feet of ground water rights from Permits 59343 and 59858, between Timothy O. Tucker as Grantor and Washoe County as Grantee be approved;
2. The Water Rights Deed for a total of 13.012 acre-feet of surface water rights from Claims 287, 294/295, and 337/338, between Timothy O. Tucker as Grantor and Washoe County as Grantee be approved and Chairman Shaw be authorized to execute both Water Rights Deeds; and
3. The Utility Services Division Manager be directed to record the Water Rights Deeds with the Washoe County Recorder.

01-63 WATER RIGHTS DEED – M. JEROME WRIGHT – WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered as follows:

1. The Water Rights Deed between M. Jerome Wright as Grantor and Washoe County as Grantee for 2.02 acre-feet of groundwater rights from Permit 64508 be approved and Chairman Shaw be authorized to execute the Water Rights Deed.
2. The Utility Services Division Manager be directed to record the Water Rights Deed with the Washoe County Recorder.

01-64 WATER RIGHTS DEED – WATER SALE AGREEMENT – STREMMEL CAPITAL GROUP LLC – WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered as follows:

1. The Water Rights Deed and corresponding Water Sale Agreement for a total combined duty of 28.73 acre-feet of ground water rights from Permit

49010 (Certificate 12801, as changed by Application 65967), Permit 49011, and Permit 48834 (Certificate 12799, as changed by Application 65966), between Stremmel Capital Group LLC as Grantor and Washoe County as Grantee be approved;

2. Chairman Shaw be authorized to execute the Water Rights Deed and Water Sale Agreement; and
3. The Utility Services Division Manager be directed to record the Water Rights Deed and Water Sale Agreement with the Washoe County Recorder.

**01-65 WATER RIGHTS DEED – WATER SALE AGREEMENT –
KARINAH PREVOST – SIERRA PACIFIC POWER COMPANY –
WATER RESOURCES**

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered as follows:

1. The Water Rights Deed for 2.80 acre-feet of surface water rights from Claim 83, further changed by Application 63887, between Karinah Prevost as Grantor and Washoe County as Grantee be approved;
2. The Water Sale Agreement between Sierra Pacific Power Company and Washoe County for 2.80 acre-feet of surface water rights from Claim 83, further changed by Application 63887 be approved;
3. Chairman Shaw be authorized to execute the Water Rights Deed and Water Sale Agreement; and
4. The Utility Services Division Manager be directed to record the Water Rights Deed and Water Sale Agreement with the Washoe County Recorder.

**01-66 PARTNERSHIP AGREEMENT – 2001 UPDATE TRUCKEE
MEADOWS REGIONAL PLAN**

Upon recommendation of Emily Braswell, Director, Truckee Meadows Regional Protection Agency, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the Partnership Agreement between Truckee Meadows Regional Governing Board, Regional Planning Commission, Regional Planning Agency, City of Reno, City of Sparks and Washoe County providing a platform for a collaborative approach to the 2001 Update of the Truckee

Meadows Regional Planning Agency be approved and Chairman Shaw be authorized to execute on behalf of the Commission.

**01-67 INTERLOCAL COOPERATIVE AGREEMENT – REGIONAL
TRANSPORTATION COMMISSION’S STREET AND HIGHWAY
PROGRAM OF PROJECTS**

Upon recommendation of Robert Russell, Jr., Engineering Director, Regional Transportation Commission, on motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, it was ordered that the Interlocal Cooperative Agreement for design, construction engineering, or construction/right-of-way of specific projects contained in the Regional Transportation Commission’s Street and Highway Program of Projects be approved and Chairman Shaw be authorized to execute on behalf of Washoe County.

**01-68 DISCUSSION AND APPOINTMENTS – JUSTICE FACILITIES
WORKING COMMITTEE**

On motion by Commissioner Sferrazza, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the following eighteen applicants, who applied for the Justice Facilities Working Committee, be appointed to the Committee.

- * Russell W. Berg
- * John C. Breternitz
- * Lee A. Goetz
- * Jon S. Greene
- * David A. Haneline
- * Richard D. Houts, Jr.
- * Paul B. Kincade
- * Peter Kirby
- * Larry B. Kleinworth
- * Roberta L. Monroe
- * Betty M. Morris
- * David Nadel
- * Frank M. Petersen
- * Michael C. Robinson
- * Chuck Weller
- * Donald C. Welsh
- * Peter R. Worden
- * Martin Crowley

01-69

WASHOE COUNTY SUGGESTION PROGRAM

Darin Conforti, Senior Administrative Analyst, acknowledged the employees being recognized for innovative suggestions that result in cost savings to the County. He reviewed the suggestions and monetary awards the Employee Recognition Committee approved for each suggestion submitted. Chairman Shaw presented certificates of recognition to the following recipients:

Phyllis Green	Building and Safety
Cynthia Stewart	Sheriff's Office
Lynn Granger & Frank Hubbel	Social Services
Geoffrey Wise and Michael Wright	Sheriff's Office
Rick Halbardier	Information Technology
Jerry Preston	Water Resources

01-70

DISCUSSION – FISCAL EQUITY – UNINCORPORATED AREAS

Commissioner Galloway said Washoe County was the first public body to take the position that there needs to be a combined City-County government in this region. He stated the County would like to consolidate within ten years, although that does not necessarily mean it would take ten years. He noted the only issue that is a point of contention between the local governments is fiscal inequity, and he believes consolidation is a long-term solution to the fiscal equity problem.

Katy Singlaub, County Manager, advised this item had been continued from a meeting in December and was requested by Commissioner Galloway. She reviewed her December 18, 2000, letter to the Board and went over the following points:

- * Complete Service Level Studies for the unincorporated areas to determine service levels, revenues, and expenditures for services in the unincorporated areas and to project current and future tax levels needed to support those services.
- * Establish franchise/business license fees for utilities operating in the unincorporated areas as allowed by law and as currently established in both incorporated cities.
- * Establish a separate user-funded enterprise fund for development services provided exclusively in the unincorporated areas.
- * Study densities for future development in the unincorporated areas.
- * Model the impacts of annexations and unincorporated area tax structures.
- * Utilize in-fill development incentives to encourage growth in incorporated cities.

- * Continue efforts to identify and implement cost-effective consolidation.
- * Continue discussions on depreciation formulas.

Commissioner Galloway directed staff to find out if the Cities of Reno and Sparks would be interested in any of these ideas.

Commissioner Sferrazza reminded the Board they spoke about consolidating law enforcement as well as governments at their retreat.

Commissioner Bond said until they can get a final answer concerning the service level issues and inequities that exist, if any, they should not be considering a tax increase in the unincorporated area. She said there are many other alternatives, i.e., consolidation of governments and law enforcement.

Mrs. Singlaub said she would come back to the Board with feedback from the regional manager's meeting. She advised that once the Unincorporated Service Level Study is completed, tentatively, March 2, 2001, she will come back to the Board with that information as an agenda item.

01-71 FINANCIAL ISSUES SURVEY – COMMUNITY RELATIONS

Kathy Carter, Community Relations Director, said they made revisions to the draft Financial Issues Survey as recommended by the Commissioners. She reviewed those recommended changes with the Board.

Commissioner Sferrazza went over the three items he would like to see included in the survey: 1) general consolidation of Washoe County and the Cities of Reno and Sparks; 2) consolidation of law enforcement between Washoe County and the City of Reno, and the City of Sparks, if they want to be included; and 3) a question concerning the Regional Justice Center. He said he does not know how to word the question but it should offer alternatives that this Board has determined to be the alternatives. Commissioner Sferrazza said he does not understand the necessity for questions 2 and 3 and would like to eliminate the classification questions because he is unsure of what purpose they serve.

Katherine Cole, MarkeTec Incorporated, stated that questions 2 and 3 are there to help understand why people are living in the city versus living in the County or reside in one city versus another. This would help understand particular barriers or concerns that people have that could predispose their attitudes and answers to subsequent questions. She noted the proposed law enforcement consolidation is addressed in question number 5.

Commissioner Sferrazza said he would like consolidation of law enforcement and governments as separate questions because then he could go to the Cities of

Reno and Sparks and tell them that this percentage of their constituents support proposed consolidation.

Commissioner Galloway agreed with Commissioner Sferrazza and said there should be a question specifically on law enforcement consolidation. He said if they try to work together for a specific solution for fiscal equity, law enforcement consolidation is one that has the dollars.

In response to Commissioner Bond’s inquiry, Ms. Cole said the survey is drafted this way to ask a more objective question with all the various services first, which is more general to all County residents and then gets into very specific areas.

Katy Singlaub, County Manager, said at their retreat the Board determined they wanted to get more public input into the priorities for their budget, and this survey will help accomplish that.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that a specific question concerning consolidation between the Washoe County Sheriff’s Office, the Reno Police Department and Sparks Police Department at a cost to be determined, be added to the survey.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that a specific question concerning consolidation of governments be added to the survey.

* * * * *
Commissioner Sferrazza left the meeting at 5:30 p.m.
* * * * *

01-72 APPEAL – DENIAL OF A PERMANENT ADULT CHARACTERIZED BUSINESS LICENSE – JANRA ENTERPRISES INC. – SUZIE’S ADULT SUPERSTORE – COMMUNITY DEVELOPMENT

Bob Webb, Planning Manager, Washoe County Community Development, reviewed the staff report and listed the reasons for the denial of the business license. Mr. Webb cited the specific code sections used for the denial of the permanent business license.

In response to Commissioner Bond’s inquiry, Mr. Webb stated that one map provides the distance of a 500 and 1000 feet radius from the store. The second map is a copy from the official City of Reno Zoning Maps and illustrates the parcel in question is zoned both arterial commercial and Large Lot Residential (1 acre) LLR1.

Roger Diamond, Attorney at Law, on behalf of Janra Enterprises Inc. (Janra), requested the Board approve the permanent adult characterized business license. Mr. Diamond said the only basis for the denial is the alleged proximity of this parcel to a residentially zoned area. He said when Janra applied to the County for a temporary business license, the County checked with the City of Reno and verified that the property in question was commercially zoned. The County, based upon the representation of the City, determined that the property was zoned commercial and approved the temporary business license. He said that since the property in question was located within the sphere of the City of Reno, Janra applied to the City for a building permit. Mr. Diamond questioned the County's determination of residentially zoned property, which resulted in the disqualification of Janra's application for a business license. He said if there is an ambiguity the County should err on the side of allowing the business to go forward, especially when it was the County who confirmed, prior to the temporary business license being approved, that the property was commercially zoned. Mr. Diamond advised that currently the only building within 500 feet is a large commercial building. He stated the reason for adult zoning laws is so that there are no affects on sensitive uses i.e., churches, schools, playgrounds and residences. The County was contacted to verify whether an adult bookstore and arcade would be appropriate and legal at the location in question. He said Madelyn Shipman, Legal Counsel, determined at that time an adult bookstore could not be located on the property because under the existing WCC, the property was located on an arterial highway and that was the only restriction that disqualified it from being used as an adult business. This Board subsequently amended the WCC by deleting that requirement; and once that issue was eliminated, there was no other basis for turning down the application. Mr. Diamond said his client has spent almost a million dollars renovating the building. There is no sidewalk on this property; it is in an industrial area, and is a very suitable location for this business. He said this should not be the County's fight; they should overturn the denial, grant the license and let Janra deal with the City of Reno concerning the rest.

Ms. Shipman clarified her discussions with Mr. Sumpter. She said Mr. Sumpter informed her the site was perfect and met all of the WCC requirements, except for the arterial provision, which is the subject of discussion here. Ms. Shipman advised that Mr. Sumpter also raised the constitutionality of the regulations currently in place by the County concerning the booth privacy issue. Mr. Sumpter provided her with case law concerning those issues, and she made a determination that the arterial provision was one that probably would not have met constitutional muster, while booth privacy was not an issue. She further advised that he told her it was an appropriate site except for the arterial provision, and her letter to Mr. Sumpter did not use the words "only basis for denial."

Mr. Diamond said there was no discussion about booths and arcades; the only issue was arterial highway. He said the case provided to Ms. Shipman was a case Mr. Diamond won in the State Court of Appeals that struck down a prohibition against arterial highway restrictions, which was the only restriction on this particular property. He stated there were no other restrictions or discussions about the internal operating characteristics of the business; the only issue was whether an adult business could operate from a zoning viewpoint. Mr. Diamond advised that in December 2000, according to Mr.

Webb, it was discovered that there was other property within 500 feet that is allegedly zoned residential. He commented that there is no competent evidence on record that shows this property is zoned residential.

Commissioner Galloway said the map provided with Mr. Webb's staff report shows a portion of the parcel zoned commercial and a portion zoned LLR1. Mr. Diamond questioned the ability of the City and/or County to zone the same parcel two different designations. Mr. Webb advised that in the County there are multiple parcels zoned multiple designations, and the map provided in the staff report was retrieved by Mike Kennedy, Code Enforcement Officer, who went to the City of Reno and copied the map from their official zoning book maps.

Commissioner Bond asked if the adult business was located on the portion zoned commercial. Mr. Webb said that was immaterial because the code is very specific in matters concerning residential areas, and the map indicates the property is zoned arterial commercial and residential. Mr. Webb read WCC §25.053(2) into the record, which specifically sets out the language restricting this type of business within 500 feet of residentially zoned areas.

Mr. Diamond commented the provision §25.053(2) says it has to be 500 feet away from the zoned area. He said what the County is doing is allowing a spot zone, and that is illegal under Nevada law because the whole concept of zoning law is to zone areas not zone each parcel piece. He said if they did allow spot zoning there would be one parcel zoned residential, another parcel zoned industrial, and parcel three zoned commercial, which is why WCC talks about an area not a parcel. He said if the Board denied the appeal, they would be abusing their discretion and violating the due process clauses of the Federal and State Constitutions by denying the business license under the facts of this particular case.

Upon inquiry of Mr. Diamond, Mr. Webb reiterated that the County does have parcels that are zoned multiple land uses. He said when Mike Kennedy obtained the zoning map from the City, he specifically asked whether the zoning on this parcel had changed since this application was submitted in April 2000; and he was told the zoning on that parcel was changed prior to April 2000.

On motion by Commissioner Short, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that the Washoe County Business License Division's denial of a permanent adult characterized business license to Janra Enterprise, Inc. (dba Suzie's Adult Superstore at 9200 South Virginia Street, Reno, Nevada) be upheld based upon the following: WCC §25.053(2)(b) which restricts the location of adult characterized businesses within 500 feet of residentially zoned areas. A residentially zoned area is defined by WCC §25.047(19) and includes residential zones as described in Reno Municipal Code (RMC) Title 18. LLR1 is designated as a residential district pursuant to RMC §18.06.201(A)(1) and is further defined in RMC §18.06.203(A)(2).

01-73

APPEARANCE – RUSSELL ALTMAN – CYBERNAUTS PROGRAM

Russell Altman, Founder, Cybnauts Program, outlined his program for the Board. He said the program was designed to take underprivileged and at-risk children off the street and put them in front of computers. He said they are in the process of hiring highly qualified staff to teach the children how to use the computers and surrounding them with volunteers. The process for setting up formal curriculum is underway with individuals from the Microsoft Corporation heading up that effort. He thanked the County for donating computers to this program and their commitment to donate more over time. Mr. Altman advised that their first computer lab was opened at the Nevada Hispanic Services office, and their goal is to open 10 to 15 more labs throughout the County in the next 18 months. He advised that many organizations in the area are committed to helping them meet this goal. Mr. Altman said his purpose today is to thank the County for their efforts and to encourage them to continue their support of the Cybnauts Program.

Commissioner Short congratulated Mr. Altman on his efforts and encouraged the County to support this program because it is wonderful for the kids.

01-74

COURTHOUSE BASEMENT PROJECTS – HOLDING CELLS AND SHERIFF OFFICES/LOCKER ROOMS – SHERIFF'S DEPARTMENT

Dennis Balaam, Sheriff, said this project was approved by the CIP Committee in 1998/1999, but was put on hold while the bond issue for the Regional Justice Center was being determined.

Bob Hall, Public Works Department, said if this project is approved, the kitchen facility in the old jail will be remodeled into holding cells for the courts, and the locker/changing facility will be built in the basement of the 1911 courthouse structure. He noted that the locker/changing facility area is only accessible by stairs and was used prior to the Americans with Disabilities Act for several different uses, but since that law was enacted, the functioning use of that space has been very limited.

Commissioner Short asked if asbestos abatement for this project had already been done. Mr. Hall said yes it has been completed, and the architectural estimates have been re-reviewed, and staff feels comfortable with the numbers even though the project was delayed for some time. He said sheriff inmate work crews did most of the demolition work for the proposed projects so the floors and walls are bare and ready for remodel. Mr. Hall advised that plumbing and heating is required for both projects.

Commissioner Galloway said he is concerned about where these holding cells would be located in the future if other facilities are built. Sheriff Balaam said he has no problem with the Justice Facilities Working Committee reviewing this project if that is

what the Board wants; however, they have an average of seventeen inmates being held in a one room holding cell with one toilet.

Sheriff Balaam, using a power point presentation, reviewed the reasons for moving forward with this project. He said officers who work in the existing facility are working under a severe handicap, as there are gang members, women and high profile suspects who have to be kept separate from each other. Sheriff Balaam advised there have been multiple assaults and lawsuits filed against WCSD by prisoners.

Upon inquiry from the Board, Mr. Hall advised that, if the project is approved today, they could go out to bid this week keeping in mind that the City of Reno is coming back in 60 days with further information. He said they could have a longer bid climate of 4 weeks, and then the County has 60 days to act upon that bid and award a contract. Mr. Hall said they are looking at a 3-month time period for completing construction on these projects. He advised the Board not to issue the bid if they are going to wait for the Committee's recommendation because it is a major effort on the part of the contractor to put together a bid.

Commissioner Galloway said this project should be one of the first things that goes before the Committee, and they should hear this same presentation that Sheriff Balaam just gave the Board.

Commissioner Bond said the holding cell issue is a matter of safety, and this project has been postponed long enough. She recommended to go forward with the project for the holding cells and put the locker/changing facility on hold until the Committee reviews that portion. Mr. Hall said if the Board decides to approve the holding cells, they could issue that bid and add the locker/changing facility portion as an alternate project.

Commissioner Short said that currently the officers are using an office in the Conklin Building and inquired if they could continue to do that for another year or so. Sheriff Balaam said the space the officers are currently using has no place for them to change or shower, should something happen (i.e., an inmate spitting on them). He stated that he does not know how long they will be allowed to use the office in the Conklin Building but it is certainly feasible for them to use it for as long as they are allowed to remain there.

Commissioner Galloway said they will have discussions with the Committee about this project before awarding the bid; however, they should proceed with Commissioner Bond's suggestion regarding the holding cells with the locker/changing facility being added as an alternate project.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that a Request for Bid be issued for the holding cells only. It was noted that the Justice

Facilities Working Committee will make a recommendation concerning the Sheriff Offices/Locker Rooms project.

**01-75 APPEARANCE – GREGORY KRAUSE – REGIONAL
TRANSPORTATION COMMISSION**

Gregory Krause, Director of Planning, Regional Transportation Commission (RTC), briefly outlined the proposed CitiCenter/CitiStation Relocation/Expansion project. He said they are proposing to develop new facilities that meet the needs of the community for the next 30 years. The project proposes to add amenities to make it more attractive to use CitiFare and more convenient in the future. He said RTC is making the same presentation to each of the entities, Regional Transportation Commission Board, Washoe County, City of Reno and the City of Sparks for feedback. He advised the project is contingent upon federal funding, and they are working hard with the Nevada representatives in Congress to obtain discretionary funding for this project. Mr. Krause said the project could take 3 to 4 years to get both buildings constructed.

Mr. Krause answered questions from the Board concerning the relocation and expansion project. He said it is important to be fairly close to the existing site. The current CitiCenter is probably the best location in terms of proximity to all the employment opportunities that are being served by the CitiFare system.

01-76 KENNEL PERMIT APPEAL – DIANE AND GARY STRAND

Katy Stevens, Animal Control Officer, outlined the history prior to the kennel permit application. She said neighbors were notified of the kennel permit application and three letters were received opposing the kennel permit. Ms. Stevens described the area surrounding the property as well as the property itself and advised that the property is about 1¾ acre.

Chairman Shaw said the letters they received in opposition to the kennel permit are not so much about the kennel as they are about the noise. He questioned why the dogs are barking so much if there is distance between the homes. Ms. Stevens said she believes it is when the kids come out and play soccer in the field next to the kennels.

Gary Strand, applicant, described his property and existing structures for the Board. He said when they purchased their property, they were unaware they could not keep more than three dogs on their property. The real estate agent assured them they could keep their animals. Mr. Strand said their neighbors, the Basta's, one of the parties opposing the kennel permit, also have more than three dogs on their property, and were also unaware they needed a kennel permit. He said when their dogs are in their outdoor run, there is fence fighting between their dogs and the Basta's dogs because the Basta's allow their dogs to roam free in their yard. The problem has been solved temporarily by moving the dogs to another area of the property and not allowing them in the kennel. Mr. Strand said contingent upon approval of the kennel permit, they have agreed to pay half

of the cost for a masonry wall between their property and the Basta's property, and the Basta's have agreed to withdraw their opposition to the kennel permit.

Diane Strand, applicant, said their kennel is not a boarding kennel nor is it a business. She stated that they train and handle their own dogs in AKC field trials and hunt tests, and they do not train other dogs. Mrs. Strand said if their kennel permit is approved, they will proceed with paying for half of the cost of the wall but the agreement is moot if the permit is denied.

Gary Schmidt, area resident, encouraged the Board to approve the kennel permit, and commented that maybe the WCC needs to be amended to allow more than three dogs without a kennel permit.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the kennel permit application of Diane and Gareth Strand to keep 8 dogs at 4625 Canyon Drive be granted subject to the following conditions:

1. No more than 8 dogs will be permitted on the premises.
2. The noise reduction wall shall be built within 3 months.

01-77 APPEARANCE – ED SCHMIDT – WATER RESOURCES

Ed Schmidt, Director of Water Resources Department, provided a power point presentation covering the following:

- * Background
- * Accomplishments
- * Major Issues
- * Performance Measurements

Mr. Schmidt said the Environmental Protection Agency (EPA) has new water quality requirements. They are changing to Total Maximum Daily Load (TMDL), which means the river is going to get so many pounds of pollutant allocated to it and it will be up to the participants to decide what facility gets to put how much pollutant into the river. He said they would be negotiating those amounts with the tribe and the State of California.

In response to Commissioner Galloway's inquiry, Mr. Schmidt advised that the County Commissioners and the Water Resources Department sent a letter to the EPA concerning the proposed arsenic level and requested that studies be done before ordering 5 parts per billion (ppb). He said that last week the EPA announced they would set the limit at 10 ppb, which will have a financial impact on the County.

Commissioner Galloway stated he would like to get the actual numbers of what the cost will be to the County. Mr. Schmidt said he would supply those numbers to the Board as soon as possible.

**01-78 CARRYOVER – PUBLIC WORKS CONSTRUCTION FUND –
REGIONAL JUVENILE JUSTICE FACILITY BUDGET –
FINANCE DEPARTMENT**

Upon recommendation of Kim Carlson, Administrative Analyst II, on motion by Commissioner Bond, seconded by Commissioner Short, which motion duly carried, Chairman Shaw ordered that the carryover money, in the amount of \$603,348.00, in the Public Works Construction Fund (092) be used to augment the Regional Juvenile Justice Facility budget for FY 2000/2001.

**01-79 AWARD OF BID – HORIZON HILLS WATER IMPROVEMENT
PROJECT – WATER RESOURCES**

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 November 24 and 29, and December 1, 7, 13, and 15, 2000, for Construction of Horizon Hills Water Improvement Project, on behalf of the Water Resources Department. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Resource Development	\$113,600.00
Mike's Trenching	\$123,135.00
Interstate Utility Contractors	\$130,916.00
Horizon Construction, Inc.	\$136,799.82
Highfield Construction	\$138,640.00
Landmark Construction Co.	\$139,760.00
Joe Suter Construction	\$148,080.00
Perata Excavation	\$148,538.00
P.R. Weddell & Sons	\$161,111.50
Gerhardt & Berry Construction Co.	\$170,580.00
JDC Excavating	\$177,965.50
Canyon Creek Construction	\$179,310.00
Paragon Associates	\$200,820.00
F.W. Carson	\$225,944.00
Engineer's Estimate	\$177,400.00

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Bid construction of Horizon Hills Water Improvement Project be awarded to the lowest responsive, responsible bidder, Resource Development, Co., in the

amount of \$113,600.00 and Chairman Shaw be authorized to execute the contract documents upon receipt. It was further ordered that the Utility Services Division Manager be authorized to issue the Notice to Proceed.

01-80 **AGREEMENT – CONSULTING ENGINEERING SERVICES – ECO:LOGIC LLC – PHASE 2 SOUTH TRUCKEE MEADOWS FACILITY PLAN – WATER RESOURCES**

Upon recommendation of Donald Mahin, P.E., through Ed Schmidt, Director of Water Resources Department, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Agreement for Consulting Engineering Services with ECO:LOGIC, LLC, for Phase 2 of the South Truckee Meadows Facility Plan be approved, and Chairman Shaw be authorized to execute and a funding allocation of \$160,000 of the costs covered by the RWPC and \$296,000 from the Department of Water Resources Water Planning Division, be utilized.

It was further ordered that a portion of future water hookup fees collected by the Department of Water Resources Utility Division be used to repay the Department of Water Resources Water Planning Division upon completion of the Facility Plan.

01-81 **RECOMMENDATION – DECREASE/INCREASE ENVIRONMENTALIST II – ENVIRONMENTALIST TRAINEE – HEALTH DEPARTMENT**

Upon recommendation of Barbara Hunt, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Shaw ordered that the proposed changes to two authorized positions in the Environmental Health Services Division – Solid Waste Program and Underground Storage Tanks (UST) Program be approved and the Human Resources Department be directed to make the following changes:

- 1) **PC#188: decrease** a full time Environmentalist II position from a 40 hours/week to a 21 hours/week position; and
- 2) **PC#89: increase and change** a vacant part time Plans Permit Application Aide position from 21 hours/week to a 40 hours/week Environmentalist Trainee position.

01-82 **DISCUSSION – BUSHEY PROPERTY – REGIONAL PLANNING GOVERNING BOARD**

Madelyn Shipman, Legal Counsel, advised that a lawsuit has been filed in District Court on behalf of Washoe County concerning the proposed amendment. She said it has not yet been served on the Regional Planning Governing Board. Ms. Shipman further advised that the District Attorney's office cannot represent the County in this matter because they also provide legal counsel to the Regional Planning Governing

Board. She said a request to hire outside counsel will come before the Board as an agenda item.

Commissioner Galloway said the Regional Planning Governing Board did vote to defer the Beckwourth/McMullen properties to the 2001 regional plan update.

Lori Bushey advised that Robert Sellman, Director, Community Development Department misspoke when he said they had gone through the Washoe County Planning Commission. She clarified they did not go to the County Planning Commission. They were going before the joint planning commission but they did not receive notice of that meeting, and that is the due process issue they are talking about.

Ms. Shipman said the purpose of the joint planning commission meeting was to receive comments on the regional plan amendment and was not a proposal or an application to the Washoe County Planning Commission. This was in accordance with the Regional Planning Governing Board policies that require comment on a sphere amendment to the regional plan. Ms. Shipman advised that the regional plan requires any time there is a regional plan amendment proposed that would affect any of the sphere of influence lines, then the applicant has to go to each local planning commission that may be affected as well as the governing body to receive comments. She noted these would not be action items.

COMMUNICATIONS AND REPORTS

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

01-83 COMMUNICATIONS

- A. Washoe County School District – signed copy of the resolution from the Board of Trustees augmenting certain funds of the district for the Fiscal Year ending June 30, 2001.
- B. Received contracts from the Department of Employment, Training and Rehabilitation with following contractors: Southern NV Workforce Investment Board, State of Utah, Nevada Commission on Economic Development, and Nevada Employment Security Division.

01-84 REPORTS - MONTHLY (NOVEMBER 2000)

- A. Animal Control
- B. County Clerk
- C. Court Clerk
- D. Social Services (August-September-October)
- E. Treasurer

REPORTS - ANNUAL - 1999-2000

- 01-85** **A.** Airport Authority
- 01-86** **B.** City of Reno
- 01-87** **C.** City of Sparks
- 01-88** **D.** Incline Village
- 01-89** **E.** Regional Transportation Commission
- 01-90** **F.** Truckee Meadows Water Reclamation Facility
- 01-91** **G.** Verdi Television Maintenance District

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There being no further business to come before the Board, the meeting was adjourned at 8:15 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST: AMY HARVEY, County Clerk

Minutes Prepared By:
Jeraldine Magee
Deputy County Clerk