

WASHOE COUNTY COMMISSION
RENO CITY COUNCIL
SPARKS CITY COUNCIL

JOINT MEETING

WEDNESDAY

8:30 A.M.

FEBRUARY 4, 2004

PRESENT:

Jim Shaw, Washoe County Commissioner, Chairman
Jim Galloway, Washoe County Commissioner *
David Humke, Washoe County Commissioner
Pete Sferrazza, Washoe County Commissioner

Robert A. Cashell, City of Reno, Mayor
Dave Aiazzi, Reno City Councilmember
Dwight Dortch, Reno City Councilmember
Pierre Hascheff, Reno City Councilmember *
Toni Harsh, Reno City Councilmember
Jessica Sferrazza, Reno City Councilmember
Sharon Zadra, Reno City Councilmember

Tony Armstrong, City of Sparks, Mayor
Michael Carrigan, Sparks City Councilmember
Geno Martini, Sparks City Councilmember
Phil Salerno, Sparks City Councilmember, Mayor Pro-Tem
Ron Schmitt, Sparks City Councilmember

ABSENT:

Bonnie Weber, Washoe County Commissioner, Vice Chairman
John Mayer, Sparks City Councilmember

The Board and Councils met in joint session in the Reno City Council Chambers, 490 South Center Street, Reno, Nevada, with County Commission Chairman Jim Shaw presiding. Also present were Washoe County Manager Katy Singlaub, Deputy District Attorney Paul Lipparelli, County Clerk Amy Harvey, Reno City Manager Charles McNeely, Reno City Attorney Patricia Lynch, Reno City Clerk Lynnette Jones, Sparks City Manager Shaun Carey, Sparks City Attorney Chet Adams and Sparks Deputy City Clerk Lenda Azcarate. Following the Pledge of Allegiance to the flag of our Country, the Clerks called the roll for their respective entities, and the Commission and Councils conducted the following business:

PUBLIC COMMENT

Chairman Shaw pointed out the new procedure established for public comment at the joint meetings by reading the explanation on the agenda. Mayor Armstrong explained why he, Mayor Cashell and Chairman Humke, established the new procedure.

Gary Schmidt, Washoe County resident, urged the Boards to locate the new baseball stadium in downtown Reno rather than at the Sparks Marina.

Sam Dehne, Reno resident, objected to the new public comment procedure.

Al Hesson, Reno resident, expressed his opposition to President Bush and the lack of weapons of mass destruction, which was used to justify the war in Iraq.

* **8:42 a.m.** Commissioner Galloway arrived.

* **8:44 a.m.** Councilman Hascheff arrived.

Guy Felton, Reno resident, expressed strong opposition to the new public comment policy.

Patty Baker, area resident, requested a future joint meeting agenda item to discuss the noxious weed program.

B. J. Sullivan, Clark and Sullivan Construction Company, requested the Board of County Commissioners and the Reno City Councilmembers consider their bid on the Mills B. Lane Justice Center.

Commissioner Sferrazza requested that the new public comment rule be discussed and voted on by the entire body under Item No. 7, Rules and Procedures for the Joint Meetings.

04-85 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Humke for Washoe County, by Councilmember Salerno, seconded by Councilmember Martini on behalf of the City of Sparks, and by Councilmember Aiazzi, seconded by Councilmember Dortch for the City of Reno, which motions duly carried, it was ordered that the agenda for the February 4, 2004 joint meeting be approved.

MINUTES

On proper motions by each entity, approval of the minutes of the joint meetings of April 15, July 15, and October 21, 2003 was continued to the next joint meeting.

04-86 RULES AND PROCEDURES FOR JOINT MEETINGS

Commissioner Humke commented that he feels the new rules and procedures will be very beneficial in facilitating the meetings. Mayor Armstrong stated he, Mayor Cashell and Chairman Humke spent many hours drafting these rules in the hope the joint Boards can accomplish what needs to be done for the citizens of the area.

Commissioner Galloway, Reno Councilmembers Aiazzi and Hascheff, and Sparks Councilman Carrigan expressed concern with the new public comment rule; and it was suggested that a one-minute time period after the staff presentation on specific agenda items be allowed for public comment.

Councilmember Aiazzi further stated the adjourn time of 11:00 a.m. under Rule 1.6 should be a goal, not an absolute certainty; and he pointed out that the Boards have already modified Rule 2.2 today by changing the order of the agenda. Councilmember Aiazzi stated he does not believe the line, "All action items shall be heard before other items," should be there.

Reno City Attorney Patricia Lynch advised that Rule 2.3.8 and corresponding agenda Item No. 12, comments by elected officials and city and county managers, is a very broad item that invites trouble where the Open Meeting Law is concerned. She recommended the item be deleted and the elected officials make their comments under "public comments."

Concerning Rule 1.6, adjourning no later than 11:00 a.m., Chairman Shaw suggested that whoever is chairing the meeting should use their discretion in moving the meeting along and/or extending the time. He also said that Rule 2.2, the order of business, could also be handled at the discretion of the Chairman and the Board members; and that Rule 2.3.8 should be deleted per the advice of the City Attorney. As to public comments, Rule 3.1, Chairman Shaw stated he did not have a problem with a three-minute time period under public comments and then a one-minute time period under specific items, as long as individuals address the specific item.

On motion by Councilmember Aiazzi, seconded by Councilmember Dortch, which motion duly carried, Mayor Cashell ordered that the Rules and Procedures for Joint Meetings be adopted as amended. Rules 1.6, 2.2, 2.3.8, and 3.1 were amended.

Councilmember Martini moved to adopt the Rules and Procedures for Joint Meetings as amended. Councilmember Salerno seconded the motion. Councilmember Schmitt expressed concerns regarding whether the attorneys should

review the amendments. He also noted the confusion for the public when each body has its own set of rules and there is another set of rules when they meet as a joint body. Mayor Armstrong called for the vote on the motion and it failed to pass. Sparks City Attorney Chet Adams stated the attorneys have discussed the amendments and do not have any problems with these amendments.

Councilmember Martini made the same motion. Councilmember Salerno seconded the motion, but stated he would like to hear Councilmember Carrigan's opposition. Councilmember Carrigan expressed his opposition to the limitations on public comments. On call for the vote, the motion carried with Councilmember Carrigan voting "no."

Commissioner Galloway moved to adopt the Rules and Procedures for Joint Meetings as amended. The motion was seconded by Commissioner Sferrazza. Commissioner Sferrazza objected to Rule 4.1 regarding the method of setting the agenda for the meetings. Commissioner Galloway stated it was also his understanding that each entity would have two items on each agenda. Commissioner Sferrazza read 4.1 and said an entity's items might not make it on the agenda because the rule states, "items failing to win a majority vote will not be included in the agenda." He stated he would only second the motion if that statement was deleted from the rule. Chairman Shaw asked if there was a second to the amendment to the motion. Commissioner Humke seconded the amendment and that motion carried. On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that the Rules and Procedures for Joint Meetings be adopted as amended, including Rule 4.1.

After a proper motion for reconsideration by Councilmember Hascheff, seconded by Councilmember Aiazzi, Councilmember Hascheff moved to amend Rule 4.1 to delete the objectionable language. Councilmember Zadra seconded the motion; and, upon call for the vote, the motion duly carried.

Councilmember Martini moved for reconsideration. The motion was seconded by Councilmember Salerno; and, upon call for the vote, the motion carried with Councilmember Carrigan voting "no." Councilmember Martini moved, and the motion was seconded by Councilmember Salerno, to amend Rule 4.1 to delete the objectionable language. Mayor Armstrong called for the vote, and the motion carried with Councilmember Carrigan voting "no."

Concerning public comments, Mayor Armstrong commented that several of the speakers today violated the four-minute rule and stated that whatever rule is established, it needs to be enforced consistently and uniformly.

**04-87 REGIONAL ROADS EFFICIENCY - REGIONAL
TRANSPORTATION COMMISSION**

Howard Riedl, Senior Engineer, Regional Transportation Commission, presented a report and update on the Regional Road Maintenance Evaluation and

Efficiency Improvement Program prepared by himself and Harry Lorick, Lorick Associates Consulting (LAC). Mr. Riedl also recognized staff of the entities who assisted in the project. Mr. Lorick conducted a visual presentation concerning the tasks and goals of the study aimed at improving road maintenance efficiencies and increasing and sharing resources and equipment among the three entities. He also reviewed the actions that have been identified that would result in reduced costs and increased efficiencies.

10:00 a.m. Commissioner Humke left the meeting during Mr. Lorick's presentation.

Messrs. Lorick and Riedl answered questions of the Board members. Shaun Carey, Sparks City Manager, noted that this program being used in the Roads Departments also has the potential to be used in other departments generating savings in other maintenance operations.

04-88 RESOLUTION - TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

Paul Urban, Washoe County Flood Control Manager, stated that much work has been done by the community coalition on the flood control project, but there is much left to do. He said adoption of this resolution, which he read into the record, is a way of re-energizing the participants and renewing the commitment to the effort.

In response to Councilmember Aiazzi, Mr. Urban stated the Corps plans to have a fully defined project, including the alternatives, according to their definition, in about a year from now, after which there will probably be another year before it goes to Congress. A discussion ensued concerning projects that would be considered local matching funds for the flood control project.

10:17 a.m. Councilmember Schmitt left the meeting.

Mayor Cashell asked what is being done to address the Virginia Street Bridge. Mr. Urban stated staff and the Corps of Engineers have been working with the State Historic Preservation Office.

In response to Mayor Armstrong, Katy Singlaub, County Manager, explained the funds being accumulated for the flood control project and advised that the process of acquiring lands for the project has begun.

Councilmember Hascheff asked if receiving approval for the project through the 104 Program provides a comfort level that the project will ultimately be approved and advance projects would be considered as part of the local share. Mr. Urban stated he could not say that for sure. He cited an example of a project and explained that there could be "wobble room" on some projects.

Sam Dehne, Reno resident, said he has never heard anyone discuss the real cause of the 1997 flood, and that was the failure to shut down the dam at Lake Tahoe.

Councilmember Aiazzi stated he could not support the Resolution because it states that construction will not start until 2007. It was suggested the Resolution be amended to state that construction start no later than the year 2007. On motion by Councilmember Zadra, seconded by Councilmember Dortch, which motion duly carried, it was ordered that the Resolution be amended and adopted as amended, and that Mayor Cashell be authorized to execute the same.

On motion by Councilmember Salerno, seconded by Councilmember Martini, which motion duly carried, it was ordered that the amended Resolution be adopted and that Mayor Armstrong be authorized to execute the same.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the amended Resolution be adopted and Chairman Shaw be authorized to execute the same.

A RESOLUTION BY THE WASHOE COUNTY COMMISSION, THE RENO CITY COUNCIL AND THE SPARKS CITY COUNCIL CONCERNING THE IMPLEMENTATION OF THE TRUCKEE RIVER FLOOD MANAGEMENT PROJECT.

WHEREAS, The Truckee Meadows suffers from a major flood event about once every ten years; and

WHEREAS, It has been seven years since the devastating New Year's flood of 1997; and

WHEREAS; Washoe County, the City of Reno and the City of Sparks are the local sponsors for the Truckee River Flood Management Project; and

WHEREAS, To provide a more public process to develop a project acceptable to the Truckee Meadows Community, a Community Coalition was formed. It consists of the general public, people from various governmental agencies, business groups, residential groups, homeowners associations, environmental interest groups, recreation groups and other groups and individuals that have an interest in the protection of property, as well as protection of the Truckee River; and

WHEREAS, It is recognized that in addition to the project sponsors there are other major stakeholders that have interest in the Truckee River Flood Management Project, including, but not limited to, the University of Nevada-Reno, Storey County, the Pyramid Lake Paiute Tribe, the business community, the environmental community and the residents and businesses along the river and backwater areas that flood. These stakeholders have also participated in the Community Coalition process but have additional issues that require resolution; and

WHEREAS, Much has been accomplished through the work of the US Army Corps of Engineers, local sponsors and the many volunteers from the general public and stakeholder groups who have been active in the Community Coalition through more than 490 meetings totaling up to more than 16,300 hours. They have come up with community acceptable project elements for a Community Coalition Flood Management Concept to be considered in the US Army Corps of Engineer's feasibility and environmental impact analysis and studies; and

WHEREAS, The US Army Corps of Engineers is now in the process of evaluating and analyzing the various project elements to come up with alternatives from which a preferred project will result. The preferred project will be reviewed by the various levels of the US Army Corps of Engineers, recommended to Congress, authorized by Congress and partially funded by Congress; and

WHEREAS, There is still much work to be done to get the Truckee River Flood Management Project studies completed; the project authorized by Congress; and, the project partially funded by Congress so construction can start no later than the year 2007; now, therefore, be it

RESOLVED, That in 2004 the local sponsors of Washoe County, the City of Reno and the City of Sparks, working together with the community, the project stakeholders, and the US Army Corps of Engineers, will aggressively pursue the completion of the necessary studies as soon as possible; pursue appropriate legislative actions so the Truckee River Flood Management Project can be authorized; and, pursue funding by Congress to enable construction to start no later than the year 2007; and be it further

RESOLVED, That together we will seek early implementation of project elements where they will enable more efficient and cost effective completion of the project, while contributing the most to flood protection in the region. Together we will work with project stakeholders to keep them up-to-date on the project status and to find solutions for making the flood project work while protecting the river and protecting stakeholder interests.

Mayor Armstrong asked several questions concerning individual projects that could be built ahead of the Corps identified project and how those could qualify for the local funding share.

10:25 a.m. Councilmember Martini left the meeting and the City of Sparks no longer had a quorum present.

04-89 **COURTS CONSOLIDATION - CRIMINAL JUSTICE ADVISORY COMMITTEE REPORT**

John Berkich, Assistant County Manger, presented and reviewed a memorandum outlining the results of the survey by the Subcommittee on Court Consolidation, advising of the 13 judges surveyed, nine responded that they do favor

consolidation of the courts. As a result, the Criminal Justice Advisory Committee (CJAC) recommended that the efforts to consolidate the Municipal and Justice Courts be advanced. Mr. Berkich stated staff's recommendation would be that the Commission and Council establish a panel of judges from the Municipal and Justice Courts whose mission would be to determine the process to merge the two court systems and develop the necessary bill draft request for the 2005 Legislative session. Mr. Berkich offered the assistance of County staff in drafting the legislation.

District Attorney Richard Gammick noted that if these courts are consolidated, the prosecution function has to be addressed in the process.

City Manager Charles McNeely requested that staff of the Municipal Court be part of the team. County Manager Katy Singlaub stated court staff has been a part of the process and that will continue.

04-90 MILLS B. LANE JUSTICE CENTER BUILDING

Gary Stockhoff, Reno Public Works Department, noted the staff report and stated staff is seeking direction from the Boards.

Councilmember Sferrazza stated she would like to see the interior design of the courthouse, specifically the fixtures, the judges' chambers, the size of the offices, and those types of items. She stated she would like to try to cut the costs before she increases the budget. Commissioner Sferrazza asked if "catalog" items are being used, as those would be less expensive. Mr. Stockhoff stated catalog items have been used as much as possible and his belief is the building would be dignified according to its uses. He said the courtrooms have been reduced in size to cut the costs and the project has been engineered down as much as it can be. Councilmember Sferrazza said there appears to be some discrepancies with the new cost estimate and asked what amount City staff feels comfortable with if it were put out to bid again. Mr. Stockhoff responded they were comfortable at \$31-million combined; the County staff was at \$36-million; and they came to a resolve to put it at \$34-million.

Mayor Cashell expressed grave concern that the architects under-estimated the project by \$8-million. Councilmember Dortch asked if there was any legal liability for this to the architects.

Commissioner Galloway asked about Mr. Sullivan's statements under public comments and how staff felt about negotiating with Mr. Sullivan. Roger Van Alyne, Washoe County Public Works, stated only one bid was received last November; it was returned unopened; and it is staff's recommendation that the project be re-bid.

Councilmember Aiazzi requested specific numbers on the breakdown of Reno's portion, the County portion and the common areas. Tom Gadd, Washoe County Public Works Director, advised that the common areas were divided 50/50, the spaces in the basement parking garage were divided according to usage, the first three floors were

calculated and floors five through eight were calculated to come up with the 60/40 split. Councilmember Aiazzi also asked how much shell space is being included and who is building that. Mr. Gadd stated that area is 6,700 feet and it is on the District Attorney's side. Councilmember Aiazzi asked why there is shell space for a fifth courtroom if the municipal court is going to merge with the justice court and if that should be part of the County's expense in that case.

Walter Estay and Bill Snyder, Tate, Snyder and Kimsey Architects, provided information concerning the interior finishes on the courtrooms, including carpeting, wood paneling, upholstery, ceiling tile, etching the City seal on glass at a cost of \$15,000, etc. Mayor Cashell asked about the \$900 doorknobs. Mr. Estay stated they took out those door pulls. Councilmember Sferrazza requested an itemized cost breakdown of all the items and the sketches or drawings of the interiors. Commissioner Sferrazza asked for the same itemized cost breakdown of the items and materials for the County space and the sizes of the offices. Commissioner Galloway requested a copy of the KPA report be provided to each Commissioner and Councilmember. He also stated the project is still going to be over budget even if staff can whittle another \$1-million out and both the County and the City are going to have to come up with additional funds. Councilmember Harsh stated it is important to get this building up and functioning and time is money.

10:55 a.m. Commissioner Sferrazza left the meeting, and the County no longer had a quorum present.

J. R. Anzer, Parametrix, Inc., cost consultant to Tate-Snyder, stated the \$26-million estimate was based on bidding in the fall of last year and receiving eight competitive bids, which did not happen. He said there has been a market turn-around and their revised number is \$29.8-million, without contingency, or \$31.5-million. Mr. Anzer also advised that they have letters of interest from seven potential bidders. He clarified that the \$29.8 is a "bid day number" and contingency, furnishings, architectural engineering fees, owner-user fees or other fees would have to be added. Chairman Shaw requested a complete breakdown of the items Mr. Anzer was discussing.

Councilmember Aiazzi stated this is a public safety issue; Reno's Municipal Court judges are practically sitting in the street; and he believes the public safety sales tax should be used to fund the project. He requested a legal opinion as to whether the public safety sales tax could be used for this project. Ms. Singlaub advised she would request an opinion and guidance from Bond Counsel, John Swendseid.

Councilmember Hascheff stated everyone seems to agree the project should be re-bid and the architect is saying the market is better now. He suggested getting the bids in and then doing alternative deducts such as they did on the joint venture with the Reno-Sparks Convention and Visitor's Authority on the downtown events center. He requested staff also explore the common area and the square footage allocation and agreed with Councilmember Aiazzi concerning use of the public safety sales tax revenue for at least part of the project.

District Attorney Richard Gammick stated the project has already been value engineered and \$3-million has been cut out. He said his concern, as a user of the project, is bids coming in high and everyone having to go through all of this again. Mr. Gammick said there is nothing left to be cut, other than space; and, if that is done, the building will not be adequate for the needs.

B. J. Sullivan, Clark and Sullivan Construction Company, said there is no way this project is going to come in at \$29-million; and the cost consultant is from Salt Lake City and using Salt Lake City costs. He said he has worked with Tate and Snyder before and could work with them on the value engineering.

Sam Dehne and Al Hesson, area citizens, expressed their opinions.

Judge Hickman, Reno Municipal Court, speaking on behalf of all the Reno Municipal Court Judges, stated they have a responsibility to make sure this building is efficient, adequate, convenient to the public, and no more. Not a dollar more should be spent than for that. He said when they discovered the architects had included those expensive doorknobs, they were furious; and they chastised the architects. Judge Hickman said the only way to know the true cost is to get the bids in; and then if cuts need to be made, everyone can work together to make them. He said this has been discussed for four years and it is time to get this building built.

Mayor Cashell stated if the project budget is set at \$34-million, that is where the bids will come in; and if the architect's cost consultant says it is \$29-million, that is where it should be set. Mr. Stockhoff advised that bid shopping is illegal, and the funding source must be identified before you can go to bid.

Ms. Singlaub stated the County is not willing to go under \$34-million as the budget for this project due to the information received from two potential bidders and to avoid having to come back again for additional funding for the project.

In response to Councilmember Aiazzi, Paul Lipparelli, Deputy District Attorney, explained that before the Board can enter into a contract, it has to have the money to pay for the contract; and before an entity goes out to bid, requesting contractors to spend their time and money necessary to assemble such a bid and make such a commitment, the entity ought to have the money that will be required to build the project. He further said if an entity goes out on the hope that they will get a low bid, they could damage their credibility.

It was decided the two entities would have another joint meeting as soon as possible to review the requested information and determine the next action.

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There being no further business to come before the Board, the meeting adjourned at 11:30 a.m.

ATTEST:

JAMES M. SHAW, Chairman
Washoe County Commission

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

ATTEST:

ROBERT A. CASHELL, Mayor
City of Reno

LYNNETTE R. JONES, City Clerk
City of Reno

ATTEST:

TONY ARMSTRONG, Mayor
City of Sparks

DEBORINE J. DOLAN, City Clerk
City of Sparks

*Minutes Prepared by
Sharon Gotchy
Deputy County Clerk*