

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

APRIL 11, 2006

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, Vice Chairman*
Jim Galloway, Commissioner
David Humke, Commissioner
Pete Sferrazza, Commissioner*

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel
Paul Lipparelli, 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:

***2:11 p.m.** Commissioner Weber arrived.

06-353 **AGENDA**

Commissioner Weber requested an individual review of items 7B1, assist with funding for the conversion of an existing soccer field into a baseball field, and 7H2, establish minimum compensation for Justice of the Peace for the Township of Incline Village; and that item 17, discussion and possible action and direction to legal counsel regarding County of Washoe v. Evans Creek, LLC, be heard after 5:30 p.m.

Sam Dehne, local resident, said the consent agenda was confusing to the citizenry.

During discussion of the consent agenda, Guy Felton, local resident, congratulated Gary Schmidt for his recommendation that all consent agenda items be pulled off the consent agenda and be heard individually.

***2:20 p.m.** Commissioner Sferrazza arrived.

Gary Schmidt, local resident, agreed with Mr. Dehne and requested all items listed under consent be heard individually. He asked the Commissioners to voice their approval of the two minutes for public comment under consent.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza abstaining due to his late arrival, Chairman Larkin ordered that the agenda for the April 11, 2006 meeting be approved.

06-354 PROCLAMATION – FAIR HOUSING MONTH

Chairman Larkin read and presented a proclamation to Kate Copeland of the Silver State Fair Housing Council. Ms. Copeland thanked the Board, County Manager, and staff. She was appreciative of Washoe County's support of the Council's Fair Housing poster contest.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the following proclamation be adopted:

PROCLAMATION

WHEREAS, April 2006 marks the 38th anniversary of the Title VIII of the Civil Rights Act of 1968, the Federal Fair Housing Act which provides equal opportunity for all Americans in the sale, rental, and financing of housing and prohibits discrimination on the basis of race, color, religion, sex, or national origin; and

WHEREAS, The Fair Housing Amendments Act of 1988 added familial status and handicap to those classes protected by Title VIII and added strong new rights, remedies, monetary penalties, and judicial and administrative enforcement procedures; and

WHEREAS, It is the solemn and sworn duty of government at all levels to protect and defend the rights of all its citizens and oppose housing discrimination whenever and wherever it occurs; and

WHEREAS, Illegal barriers to equal opportunity in housing, no matter how subtle, that diminish the rights of some of our citizens, diminish the rights of all; and

WHEREAS, Silver State Fair Housing Council actively works to ensure equal housing opportunity for all people in the Truckee Meadows to freely choose where they want and can afford to live; and

WHEREAS, Washoe County supports the efforts of Silver State Fair Housing Council and all other agencies pursuing fair housing; now, therefore, be it

PROCLAIMED, that the Washoe County Board of County Commissioners do hereby proclaim April 2006 as Fair Housing Month and recognize the Silver State Fair Housing Council for their good work in pursuing fair housing in our community.

PUBLIC COMMENTS

Katy Singlaub, County Manager, stated the Open Meeting Law did not require a public body to tolerate comments that were willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks. Ms. Singlaub noted Section 8.05 of the Nevada Open Meeting Law manual stated, "The Chair of a public body may, without the vote of the public body, declare a recess to remove a person who is disrupting the meeting."

William Brainard, local resident, placed a map of the Martis Strategy on file with the Clerk and spoke against the purchase of Ballardini Ranch.

Elaine Steiner, local resident, thanked the Commission for renaming South Hills Park to Ellen's Park and said a memorial would be held at the park on Sunday, April 23, 2006 at 1:00 p.m. She placed her comments on file with the Clerk.

Sam Dehne, local resident, objected to the speakers' podium. He discussed Sierra Nevada Community Access Television, the Chairman keeping time for public comment at this meeting, and an ad in the *Sunday Reno-Gazette Journal* regarding Ballardini Ranch.

Katherine Snedigar, local resident, discussed her Affidavit of Notice of Default, which was placed on file with the Clerk. She demanded the Chairman step down from his post.

Gary Schmidt, local resident, repeated his comments recorded under Approval of the Agenda. He complained about the time limit on public comment and felt the Attorney General's opinion about the public comment time limit was wrong.

Guy Felton, local resident, read a statement into the record regarding the Commission stating their black uniforms and Nazi armbands were showing. Chairman Larkin issued a warning stating references to the Board as being in a capacity of Nazism would not be tolerated.

COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS

In response to comments made by Guy Felton, local resident, at a previous meeting, Commissioner Galloway discussed voting machines and the Verified Voter Receipt (VVR), a paper record of a person's vote. He said the Johns Hopkins study cited by Mr. Felton at that meeting recommended the use of VVR. He said this safeguard was implemented during the last election in the State of Nevada putting Nevada ahead of every other state at that time. Commissioner Galloway requested the Board place a donation of District 1 funds in the amount of \$1,000 for Big Brothers Big Sisters on a future agenda for approval. He said April 7, 2006 was Tartan Day and a celebration of the Scottish Clan Society would be held April 15, 2006. He noted the 54,000 acres referenced by Mr. Brainard during public comment was federal land.

Commissioner Weber received a letter from Mr. Robert Marshall regarding Intermountain Water Supply and requested this be agendized for discussion before the end of the month. She mentioned the absence of a flag at the Rancho San Rafael Ranch House where a Board retreat was held. She asked if funding could be found so flags could be placed at each of the Board's meeting sites.

Chairman Larkin said he had a letter from the U.S. Department of the Interior dealing with the Desert Racing Association and the Valley Off Road Racing Association. He discussed the upcoming race and asked for information regarding any impact to the County.

Commissioner Humke announced April was Child Abuse Prevention Month. He also announced that the week of April 23rd was National Crime Victim Rights week, and a candle light vigil would be held at the Mills B. Lane Justice Center. He noted the Sandford Center for Aging award ceremony would be held Monday, May 1, 2006.

Katy Singlaub, County Manager, announced this was Assistant County Manager Michelle Pochè's last week with the County.

06-356 MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the minutes of the regular meeting of January 17, 2006 be approved.

**06-357 CONSULTING SERVICES AGREEMENT – SOCIAL
ENTREPRENEURS, INC. – MANAGEMENT SERVICES**

Upon recommendation of Gabrielle Enfield, Grants Administrator, through John Slaughter, Management Services Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that an Agreement for Consulting Services between Washoe County and Social Entrepreneurs, Inc., concerning the development of the Incline Village Health Care Assessment and Strategic Plan in the amount of \$47,298, be approved and Chairman Larkin be authorized to execute the same.

**06-358 FINANCIAL REPORT – EIGHT MONTHS ENDED FEBRUARY
28, 2006 – COMPTROLLER**

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the Financial Report for Washoe County Governmental Funds for the eight months ended February 28, 2006 (unaudited) be accepted.

06-359 **CONTRACT AMENDMENT – PFM ASSET MANAGEMENT, LLC**
– GROUP I ASSETS AND REVISED FEE STRUCTURE –
TREASURER/COMPTROLLER/FINANCE

Upon recommendation of Bill Berrum, Treasurer, Kathy Garcia, Comptroller, and John Sherman, Finance Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the amendment to the contract between Washoe County and PFM Asset Management, LLC, concerning the management of Group I assets and the revised fee structure, be approved and Chairman Larkin be authorized to execute the same.

It was noted the estimated annual fees paid to PFM Asset Management would increase by \$10,000 from \$187,000 to \$197,000. It was also estimated that the Group I interest income would improve from \$30,000 to \$70,000 net of the increase in fees.

06-360 **ACCEPTANCE OF LIBRARY SERVICES AND TECHNOLOGY**
ACT ALLOCATION – LIBRARY

Upon recommendation of Brenda Baxter, Youth Services Coordinator, through Nancy Cummings, Library Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the Library Services and Technology Act (LSTA) allocation in the amount of \$4,800 for support of “El dia de los ninos/El dia de los libros” be accepted.

It was noted this would increase the 10529-431100 Revenue and 10529-710314 Expenditure accounts by \$4,800.

06-361 **ACCEPTANCE OF DONATION – STATE OF NEVADA –**
COMPUTER EQUIPMENT – REGISTRAR OF VOTERS

Upon recommendation of Daniel Burk, Registrar of Voters, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the donation of computer equipment from the State of Nevada valued at approximately \$140,000, purchased with funds from the Help America Vote Act (HAVA), for the Registrar of Voters Office to use for training, polling place and early voting expansion, and implementation of mandated statewide voter registration system be accepted.

06-362 **ACCEPTANCE OF PROPOSAL - RESTART, INC. - EMERGENCY**
FAMILY SHELTER PROGRAM - RFP NO. 2516-06 -
PURCHASING

This was the time to consider proposals received in response to Request for Proposal (RFP) No. 2516-06 for an Emergency Family Shelter Program for the Purchasing Department. The Notice to Proposers for receipt of sealed proposals was

published in the *Reno Gazette-Journal* on December 27, 2005. Proof was made that due and legal Notice had been given.

A proposal was received from ReStart, Inc.

Upon recommendation of Charlene Collins, Buyer, through John Balentine, Purchasing and Contracts Administrator, and Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the proposal submitted by ReStart, Inc. in response to RFP No. 2516-06 for an Emergency Family Shelter Program, not to exceed \$60,000 for a one year period, commencing approximately July 1, 2006 through June 30, 2007, with two one year renewal options at the discretion of the County, be accepted.

06-363 MEMORANDUM OF UNDERSTANDING – RENO JUSTICE COURT AND RENO MUNICIPAL COURT – MANAGER

Commissioner Sferrazza said he had received correspondence from a Judge in opposition to this item and asked if it was still supported by the majority of Judges. John Berkich, Assistant County Manager, said it was approved and signed by the Administrative Judge for the Justice Court on behalf of the Court and the majority of the Judges.

Upon recommendation of Mr. Berkich, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that a Memorandum of Understanding between Reno Justice Court and Reno Municipal Court to study court consolidation be endorsed. It was further ordered that the payment of \$15,000 of contingency funds as the County's portion of the match for a State Justice Institute grant be authorized and the Finance Department be directed to make the following budget adjustments:

Cost Center	Account	Amount of Increase/(Decrease)
189000	820000	(\$15,000)
101100	710100	\$15,000

06-364 ACCEPTANCE OF GRANT – STATE OF NEVADA – NUTRITION SERVICES INCENTIVE PROGRAM – SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the grant award from the State of Nevada for the Nutrition Services Incentive Program in the amount of \$84,613 (with no County match) for the period of October 1, 2005 through September 30, 2006 be accepted and the Finance Department be directed to make the following budget adjustments:

Account	Title	Amount of Increase
10165-431100	Federal Revenue	\$84,613
10165-710592	Nutrition Program	\$84,613

06-365 ACCEPTANCE OF GRANT – REGIONAL TRANSPORTATION COMMISSION – TRANSPORT OF SENIOR CITIZENS IN GERLACH AND INCLINE VILLAGE – SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the grant awards for Fiscal Year 2005/06 for the period of July 1, 2005 through June 30, 2006 from the Regional Transportation Commission (RTC) for transportation of senior citizens and people with disabilities in Gerlach and Incline Village, in the amount of \$12,000 for Gerlach and \$2,000 for Incline Village with no County match, be accepted and Chairman Larkin be authorized to execute the agreement. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account	Title	Amount of Increase
10208-433300	RTC Gerlach – Local Gov't Contributions	\$12,000
10208-701150	RTC Gerlach – Contractual Wages	\$ 8,420
10208-710391	RTC Gerlach – Fuel and Lube	\$ 2,080
10208-710205	RTC Gerlach – Repairs and Maintenance	\$ 1,500
10440-433300	RTC Incline – Local Gov't Contributions	\$ 2,000
10440-710400	RTC Incline – Payments to Other Agencies	\$ 2,000

06-366 REAPPOINTMENT – SOCIAL SERVICES ADVISORY BOARD – SOCIAL SERVICES

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the reappointment of Michael Sanderfer, Lori Fralick, and Deborah Armstrong to four-year terms to the Washoe County Social Services Advisory Board effective March 20, 2006 to March 19, 2010 be ratified.

06-367 SPONSORSHIP – RHYTHM AND RAWHIDE EVENT – SOCIAL SERVICES/COMMUNITY RELATIONS

Sam Dehne asked about the \$4,000 sponsorship for the Rhythm and Rawhide event.

Commissioner Sferrazza said he understood this was a fundraiser for a facility being built for the County. He asked staff to address what percentage of each ticket was going to that facility. Mike Capello, Social Services Director, said the meal

cost was approximately \$30 and the rest of the ticket price was a donation split between the two foundations that sponsored the event.

Upon recommendation of Mr. Capello, and Kathy Carter, Community Relations Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that a \$4,000 sponsorship of two tables (total of 20 seats) at the Rhythm and Rawhide Event, which benefits the abused and neglected children served by Washoe County Social Services, with funding to be evenly split between Social Services and Community Relations be approved. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account	Title	Amount
280210-710500	Social Services	\$1,000
280910-710500	Social Services	\$1,000
101600-710546	Community Relations	\$2,000

It was noted that 50 percent of the net proceeds from this event would be allocated to the Reno Rodeo Foundation, which has supported a three-year, \$1 million capital campaign to build a 10,000 square foot multipurpose activity center for the youth at the Kids Cottages and the McGee Center.

06-368 INTERLOCAL AGREEMENT – DEPARTMENT OF TRANSPORTATION – PEDESTRIAN-ACTIVATED FLASHER SYSTEM – PUBLIC WORKS

Commissioner Weber said pedestrian safety had been an ongoing concern of Sun Valley residents and thanked the Nevada Department of Transportation.

Upon recommendation of David Price, County Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that an Interlocal Agreement between Washoe County and the Nevada Department of Transportation (NDOT) for design, construction, and maintenance of a Pedestrian-Activated Flasher System at the intersection of SR445 (Sun Valley Blvd.) and 6th Avenue be approved and Chairman Larkin be authorized to execute the agreement upon presentation.

06-369 ACCEPTANCE OF CASH DONATION – SEARCH AND RESCUE PROGRAM – SHERIFF

Commissioner Galloway thanked Mark and Laree Sankovich for their \$200 donation to the Washoe County Sheriff’s Search and Rescue Program.

Upon recommendation of Sergeant Russ Pedersen, Search and Rescue, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the \$200

donation from Mark and Laree Sankovich to the Washoe County Sheriff’s Office Search and Rescue Program be accepted with the gratitude of the Board. It was further ordered that the Finance Department be directed to make the following budget adjustments:

Account	Description	Amount
Increase Revenues:		
20050-484000	Search & Rescue Donations – Donations	\$200.00
Increase Expenditures:		
20050-710300	Search & Rescue Donations – Operating Supplies	\$200.00

06-370 SECURITY AGREEMENT – RENO RETAIL COMPANY, LLC - SHERIFF

Sam Dehne, local resident, complained about the public comment time limit and discussed his concerns with this item.

Gary Schmidt, local resident, opposed this item stating Assistant Sheriff Lopey and Commander Emerson, Sheriff’s Office, had no respect for citizens’ rights under the U.S. Constitution. He also stated there was unethical leadership in the Sheriff’s Department.

In response to Commissioner Sferrazza, Commander Marshall Emerson said the contract provided for security services Friday afternoon through Sunday afternoon. He said security would be provided for any special events as well.

Commissioner Sferrazza said this was a private company paying for additional police service and asked if this was something offered to any private party in the community such as a homeowners association. Commander Emerson said the Sheriff’s Office had the ability to review requests for additional security at various events and for private entities; however, each request was carefully reviewed and provisions of the proposed contract were sent to the District Attorney’s Office for additional review to ensure no conflict of interest or the illusion of such a conflict existed. He said this contract was for the exterior of the shopping center and added patrols to the parking lot area. He said the property owner originally approached the Reno Police Department (RPD) for the service; however, RPD was not interested. Commander Emerson said RPD was contacted to ensure there would be no conflict.

In response to Commissioner Sferrazza, Commander Emerson said this was all off-duty voluntary overtime paid by the property owner. He assured services to the community would not be diminished.

In response to Chairman Larkin, Commander Emerson said the vehicle that would be used was an out-of-service vehicle and would not prevent responses to calls in any district. He did not believe a precedent for others to come forward requesting this type of service would be set. He said although this was private property, it was typically

open to the public in a public setting. He said they were not patrolling a private, gated community exclusive to the residents.

Commander Emerson stated the property owner maintained a private security force that would impose any civil regulations. He said County deputies would be on site to deter more serious offenses such as strong-arm robbery and auto burglary. He stated the patrols would not interfere with the day-to-day calls for service, and County deputies would only respond if there was an emergency.

Commissioner Humke asked if other law enforcement agencies were not able to cover this jurisdiction. Commander Emerson said it had nothing to do with ability but rather not having a provision within their internal policies. He noted the property owner customarily entered into individual contracts with deputies in other states, but the Washoe County Sheriff's Office did not operate that way.

Commissioner Sferrazza said provisions for this type of service would only be considered for an open public property. Commander Emerson said a deputy could respond to any nearby emergency situation. He explained that the amount of time the deputy spent on the public call for service would be deducted from the contract and reimbursement would be adjusted. He clarified that the dollar amount of the contract was per year.

In response to Commissioner Galloway, Commander Emerson said the overtime rate was based on a top step deputy's overtime rate plus additional costs for insurance, vehicle usage, etc. Commissioner Galloway asked if it would be acceptable to approve the item subject to approval of the methodology used to calculate the rate. Commander Emerson said he would provide that to the Commissioners.

In response to Commissioner Sferrazza, Commander Emerson said call back pay was the only additional pay considered for the Public Employees Retirement System (PERS). He said under the contract, this was scheduled overtime and there would be no PERS contribution. He stated the deputies were fully aware of this, and the duty was totally voluntary.

Upon recommendation of Sergeant Louis Gazes, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the security agreement between Washoe County Sheriff's Office and Reno Retail Company, LLC from March 15, 2006 through December 31, 2010, concerning the provision of Uniformed Deputy Sheriffs for security with no fiscal impact to the County, be approved and Chairman Larkin be authorized to execute the same. It was further ordered that the methodology for the rate schedule would be brought back to the Commission for approval before the first rate schedule was issued. It was noted the estimated security costs would be \$42,000.

Chairman Larkin commented he had just spent a week with Commander Emerson and said the Federal Emergency Management Agency (FEMA) staff was highly

impressed with the local command structure. He said FEMA thought it was one of the most highly talented and highest trained command structures in the nation.

Commissioner Humke disavowed the citizen statement as to the ethical standards of Assistant Sheriff Lopey and Commander Emerson.

06-371 EXPENDITURE - REGIONAL WATER MANAGEMENT FUND – AMENDMENT TO INTERLOCAL AGREEMENT – NORTH VALLEYS FLOOD MITIGATION STUDY PHASE II – WATER RESOURCES

Upon recommendation of Jim Smitherman, Program Manager, and Jeanne Ruefer, Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that an expenditure of \$84,555 from the Regional Water Management Fund be approved. It was further ordered that an Amendment to an Interlocal Agreement with the City of Reno to include infiltration testing and conceptual facility planning in Phase II of the North Valleys Flood Mitigation Study be approved and Chairman Larkin be authorized to execute the same.

06-372 MODIFIED JOINT FUNDING AGREEMENT – NATIONAL WATER QUALITY LAB – WATER RESOURCES

Upon recommendation of Jeanne Ruefer, Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the modified Joint Funding Agreement to contract with the National Water Quality Lab through the U.S. Geological Survey to provide analysis of ground-water samples in the amount of \$99,486 be approved and Chairman Larkin be authorized to execute the same.

06-373 ACCEPTANCE OF DEVELOPER-BUILT WATER, SEWER AND RECLAIMED FACILITIES – WATER RESOURCES

Upon recommendation of Jerry McKnight, Finance and Customer Service Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the following developer-built water, sewer, and reclaimed facilities dedicated to Washoe County be accepted:

	Water Facilities	DWR No.	Value
1	Double Diamond 8B	1000245	\$268,058
2	Montreux Lot 404	1000396	\$ 1,312
3	Montreux Unit 4 South	1000202	\$136,736
4	Montreux Unit 7C	1000445	\$137,056
5	R.W. Ramsey - Desert Springs	1000536	\$ 1,218

Water Facilities		DWR No.	Value
6	8830 Western Skies Dr	1000617	\$ 35,556
7	Galena Canyon Unit 2A	1000386	\$ 30,940
8	Galena Canyon Unit 2B	1000159	\$183,479
9	Home Depot – Double Diamond	1000161	\$263,026
10	Center Creek Park – Cold Springs	1000320	\$ 1,218
11	RC Willeys	1000446	\$198,593
12	8980 Western Skies	1000601	\$ 1,218
13	Regional Animal Shelter	1000298	\$ 27,266
14	Canyon River Drive	1000568	\$ 35,055
15	Arrow Creek Unit 28	1000422	\$263,927
16	Damonte Ranch Self Storage	1000149	\$ 8,104
17	Curti Ranch Unit 7	1000430	\$521,819
18	Mike Winkle Property – Sun Rise	1000648	\$ 18,585
WATER TOTAL			\$2,133,166

Sewer Facilities		DWR No.	Value
1	Montreux Unit 4 South	1000202	\$142,986
2	Montreux Unit 7C	1000445	\$ 71,774
3	Galena Canyon Unit 2B	1000159	\$127,569
4	Galena Canyon Unit 2A	1000386	\$ 35,337
5	8830 Western Skies Dr	1000617	\$ 15,729
6	John Fritz	1000171	\$ 3,191
7	Sun Rise @ Whites Creek	1000645	\$138,473
8	Arrow Creek Unit 2B	1000422	\$310,659
SEWER TOTAL			\$845,718

Reclaimed Water Facilities		DWR No.	Value
1	Double Diamond PRV #2	1000358	\$25,000
2	Center Creek Park – Cold Springs	1000320	\$ 1,490
3	Damonte Ranch Self-Storage	1000149	\$ 1,218
RECLAIMED TOTAL			\$27,708
TOTAL VALUE			\$3,006,592

06-374 AGREEMENT OF DONATION – FF-ONE, LLC – NORTH SPANISH SPRINGS FLOODPLAIN DETENTION FACILITY – WATER RESOURCES

In response to Commissioner Galloway, Jeanne Ruefer, Planning Division Manager, said the land was donated for construction of the North Spanish Springs Floodplain Detention Facility; but it was not a condition of the project. Commissioner Galloway thanked FF-One, LLC for their donation.

Upon recommendation of Ms. Ruefer, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner

Weber, which motion duly carried, it was ordered that the Agreement of Donation between Washoe County and FF-One, LLC, concerning donation of APN 076-402-03 and APN 076-402-04 for construction of a sediment detention basin, North Spanish Springs Floodplain Detention Facility, be approved and Chairman Larkin be authorized to execute the same.

06-375 RECOMMENDATION OF APPOINTMENT– STATE BOARD FOR FINANCING WATER PROJECTS – WATER RESOURCES

On motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that the recommendation to appoint Robert Firth to the State Board for Financing Water Projects be approved.

06-376 EXPENDITURE – COMMISSION DISTRICT 4 – SPANISH SPRINGS CAL RIPKEN BASEBALL LEAGUE, INC. – MANAGEMENT SERVICES

Commissioner Weber said she had a dilemma in supporting this request, stating she had received two similar requests and had told the requestors that she did not feel it was a proper use of District funds. She was concerned that if this were approved, her responses to those requests would be contradicted. She wanted to hear from the other Commissioners.

Chairman Larkin said they were talking about funds for a Washoe County park and the conversion of a soccer field to a baseball field in this case. He said the funds would be used for sodding.

Commission Sferrazza said guidelines had been adopted for use of the funds and each Commissioner should decide how to use their District funds as long as it was in compliance with those guidelines. He said he would not second-guess another Commissioner's decision.

Commissioner Galloway asked staff if this request met the guidelines. He said he had been approached with a request for funds from a baseball league that wanted to light up a ball field in a residential area. He knew the neighborhood opposed the lights, and he did not see a benefit to the County by granting this request. He said that was the basis of his decision in that case. He did not think funding for sod was an issue in this case but said the decision was up to Chairman Larkin.

Chairman Larkin said the current ball field was at the corner of La Pasada and Pyramid, and the facility would be seriously impacted with the expansion of La Pasada and Pyramid Highway.

In response to Commissioner Weber, Katy Singlaub, County Manager, said she would provide the guidelines to the Commissioners. She said this item did meet the guidelines and was an eligible expenditure.

Commissioner Galloway said he would support this item provided it was not contrary to a decision by the Parks Department. Ms. Singlaub said Doug Doolittle, Regional Parks and Open Space Director, had no issues with this item.

Upon recommendation of Julie Skow, Administrative Assistant II, through John Slaughter, Management Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the expenditure of \$1,000 from County Commission District 4 Special Funding Account to Spanish Springs Cal Ripken Baseball League, Inc. to assist with funding for the conversion of an existing soccer field into a baseball field in Eagle Canyon be approved and Chairman Larkin be authorized to execute the following resolution:

RESOLUTION – Authorizing the Grant of Public Money to Spanish Springs Cal Ripken Baseball League, Inc.

WHEREAS, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the county and that a board may make a grant of money to a private organization, not for profit, or to a governmental entity, to be expended for a selected purpose; and

WHEREAS, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in Fiscal Year 2005/2006 to make a grant of money to Spanish Springs Cal Ripken Baseball League, Inc. to assist with fund raising efforts for the conversion of an existing soccer field into a baseball field in Eagle Canyon and that by providing this grant of money, a substantial benefit will be provided to the inhabitants of Washoe County, now, therefore, be it

RESOLVED, By the Board of Commissioners of Washoe County that the Board hereby grants to Spanish Springs Cal Ripken Baseball League, Inc., a grant for Fiscal Year 2005/2006 in the amount of \$1,000.

06-377 **MINIMUM COMPENSATION – JUSTICE OF THE PEACE –
INCLINE VILLAGE – MANAGER**

In response to Commissioner Weber, John Berkich, Assistant County Manager, said this Justice of the Peace ran for this position knowing what the salary was at the time. He said this was the same process used for the Reno, Sparks, and Wadsworth Justices of the Peace; and this action was consistent with the others.

Commissioner Weber questioned why this was done in the middle of cycles. Mr. Berkich said the changes for the Reno, Sparks, and Wadsworth Justices of the Peace were made last year. He said this one took some time to develop, but was being done consistently and identically to the others.

Commissioner Weber said a precedent should not be set to go back retroactively on any sort of salary applications in the future, especially for elected offices. She said adjustments should happen at the time elections were held and asked that this be brought back as a policy.

Commissioner Galloway said he brought this issue forward and staff made the recommendation independently. He said given that the other Justices have received these increases, Judge Mancuso should be treated the same. He said if it were the will of the Commission to not do this in the future, a separate agenda item would be needed.

Commissioner Sferrazza said adjustments made at the time of elections would create an issue because Judges in the Reno Township were on staggered terms. Mr. Berkich said a Memorandum of Understanding attached to the staff report proposed a process staff recommended using prospectively. He said it called for a study by the National Center of State Courts.

Commissioner Galloway thanked Judge Mancuso for his service. Judge Mancuso said it was a pleasure to serve and requested equal treatment.

Sam Dehne, local resident, objected to the podium again and discussed the salary adjustment.

Upon recommendation of Mr. Berkich, through Katy Singlaub, County Manager, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that:

- The hours for the Justice of the Peace of the Township of Incline Village be established at 1,872 per year for purposes of salary compensation in accordance with NRS 4.040;
- \$100,172.80 be confirmed as the minimum compensation for the position effective July 1, 2004;
- The salary of the Incline Village Justice of the Peace be tied to future increases in the salaries paid to the Reno and Sparks Justices;
- A five percent salary adjustment for the position effective January 1, 2005, for an annual salary of \$105,181.44, be retroactively approved;
- An additional retroactive five percent salary increase effective January 1, 2006, for an annual salary of \$110,440.51 be approved; and
- A Memorandum of Understanding with the Incline Village Justice of the Peace regarding the process the Board may consider when determining future salary adjustments for the position be approved.

It was noted this created an incremental annual cost for fiscal year 2005 of \$2,509 and \$5,143 for fiscal year 2006, making the total fiscal impact for the two years \$7,652.

Michelle Pochè, Assistant County Manager, said the Permits+ Plus Zone was an effort to create a one-stop shop for Washoe County permitting; and the project was started at the request of the Commission. She said a one-stop shop was not just about one place for a customer to go but about the County understanding what it would take to give the customer a “customer centered” experience. She said this would require a lot of change.

Susan Hood, Environmental Engineer II, said after defining goals and a mission statement, the group started looking for opportunities for improvement. She said information was gathered that helped identify areas for improvement and would help streamline processes and reinforce the customer service attitude. She said the next step would be to develop and implement an interdepartmental customer service survey feedback system allowing for continued opportunities for improvement.

Adrian Freund, Community Development Director, discussed elements of customer service stating employee training was critical to the success of the Permits+ Plus Zone. He said Paul Zucker, who served over 125 jurisdictions across the country in customer service training, development system management, and development process streamlining, delivered training to staff over three days and conducted internal and external focus groups in November 2004. Mr. Freund said Roz Parry, Roz Parry Public Relations, would be delivering six “Awesome Customer Service” training courses this year. He explained each Permits+ Plus Zone staff member would receive approximately 21 hours of training in all aspects of customer service. He noted the County has had the Permits+ Plus software program that allows tracking of all development application types in place since 1992. He said extensive required training in Permits+ Plus would be provided for all development staff this year. He stated this would allow staff to provide consistent and complete information, would provide timely and accurate case status, and would expedite case processing. He mentioned Permits+ Plus would be available to field staff through wireless tablet PC’s shortly.

Kimble Corbridge, Licensed Engineer, said one of the first challenges was that the Permits+ Plus Zone was at one end of the County complex and parking was at the other. He explained that signage would be added to direct customers from the parking area to the Permits+ Plus Zone; and once there, customers would find a display rack in a well-lit area with color-coded play cards. He noted many of the divisions and departments were not physically located in the Permits+ Plus Zone so customer workstations would provide phones, video conferencing, and computers to facilitate communication.

Dave Boland, Environmental Health, said committee members reviewed handouts for each of the Permits+ Plus Zone departments and all permitted projects in an attempt to condense regulations and streamline information, which gave departments the opportunity to review and revise information for accuracy and completeness. He said it

allowed for a clear and common voice using clear and common language with consistent definitions.

Kelly Mullin, Assistant Planner, said an integral component of the Permits+ Plus Zone would be its website with the goal being to facilitate the move from customers having to stand in line to going online. She reported the website was in development and would host pertinent information from all departments involved in the Permits+ Plus Zone. She stated important contact information would be available, and the website would lay the foundation of an e-government environment. She said staff hoped to provide customers with the ability to review permit information online in the future.

Charlene Albee, Air Quality Engineer II, said there was a lot of focus on e-government and electronic processing, but it should be remembered that there would always be a customer who would walk up to the counter. She said one case manager would be provided for each customer and that case manager would be his or her first point of contact. There would also be one case manager for each corporate client. She explained the need for an internal coordinator in each of the outside departments. This person would facilitate information transfers from the departments to the case managers, and the case managers would know to contact the internal coordinator in each department if information was not readily available on the computer.

Kathy Carter, Community Relations Director, stated Permits+ Plus was part of the software system used in Public and Safety already, and the vendor agreed they could use Permits+ Plus Zone for their brand. She said the design was meant to be synonymous with a one-stop shop, and signage would have the construction zone look. She explained the play cards and said they would be printed internally on heavier card stock making it more cost effective. A folder where the customer could put all of their information as they went through the process would also be produced. She discussed a template that would be handed out to departments for their use to help keep employees current. She said the website would continue the construction look and theme.

Jess Traver, Building and Safety Director, said leveraging technology was a key effort and two teams were created for technological projects. He said the use of digital technology to enhance the plans examination process would create a process to digitize all documents associated with engineering planning and community development building permits. He said the project team would work through all phases of the installation, training, and future development. He said both projects should be 80 percent complete by August 1, 2006.

Ms. Pochè said one of the last elements of the project would be adding two staff positions dedicated specifically to improving customer service delivery and would be funded by the Building and Safety Enterprise Fund. She described the positions and their duties

Mr. Traver said this was a huge beginning for the County. He said training was scheduled for January 2007. He explained building modifications would take place

to accomplish many of the process enhancements and would include an area for the manager. He stated remodel plans were 50 percent complete, production drawings should be available for bid in early May, and ribbon cutting would follow sometime in early summer. He said future improvements were being discussed.

Commissioner Galloway discussed tracking the process and asked about doing some processes in parallel. Mr. Traver said this has been the objective for some time and the next phase was to develop the system for digital plan checks. He noted two stations were in place and being tested. He said any portion of a project's plan that was ready and did not require additional information or updating would be moved ahead in the process.

Commissioner Humke commented on past performance and said this was a positive move. Commissioner Galloway said he hoped part of the campaign was to tell people "we answer the phone".

06-379 **BILL NO. 1473 – AMENDING WASHOE COUNTY SCHEDULE OF RATES AND CHARGES FOR RECLAIMED WATER SERVICE – WATER RESOURCES**

Bill No. 1473, entitled, "AN ORDINANCE REVISING THE WASHOE COUNTY REQUIREMENTS AND SCHEDULE OF RATES AND CHARGES FOR RECLAIMED WATER SERVICE WITHIN CERTAIN AREAS OF WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES, UTILITY SERVICES DIVISION, TO SUBMIT BILLINGS TO ALL RECLAIMED WATER USERS WITHIN THE CERTAIN AREAS; REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT. THIS ORDINANCE REPEALS ORDINANCE NO. 1190." was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

06-380 **AMENDMENT NO. 2 – PROFESSIONAL SERVICES CONTRACT – CAROLLO ENGINEERS PC – WATER RESOURCES**

Chairman Larkin asked about the \$160,000 for the project and communication equipment. Paul Orphan, Engineering Manager, said these were charges that were left out of the spreadsheet. He stated this item was accidentally zeroed out due to staff error during negotiations.

Chairman Larkin said the total amount being requested was 10 percent of the total cost of the project, and this was a little large for a change order. He asked for staff's assurance this would be the last of the change orders. Mr. Orphan said they were still in negotiations with the Nevada Department of Transportation and the Army Corps of Engineers and cited some costly changes that have come up during the course of the project. Chairman Larkin requested that it come to the Board before it became an agenda item if another ten percent overage occurred in the future.

Katherine Snedigar, local resident, discussed reclaimed water.

Upon recommendation of Thomas Kelly, Sr. Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Amendment Number 2 to the professional services contract with Carollo Engineers PC in the amount of \$576,100 be approved and Chairman Larkin be authorized to execute the same.

**06-381 REFUND OF SURPLUS ASSESSMENT FUNDS – SPECIAL
ASSESSMENT DISTRICT NO. 9, SOUTHWEST TRUCKEE
MEADOWS SEWER – TREASURER**

Upon recommendation of Dieon Davidow, Collections Analyst, through Bill Berrum, Treasurer, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the refund of surplus assessment funds in the amount of \$248,433.59 for the 1,850 parcels in Washoe County Special Assessment District #9, Southwest Truckee Meadows Sewer, be approved. A list of the refunded surplus monies was placed on file with the Clerk.

**06-382 RESOLUTION – SOUTHWEST TRUCKEE MEADOWS CITIZEN
ADVISORY BOARD – COMMUNITY DEVELOPMENT**

Bob Webb, Planning Manager, said there was an issue with quorums and suggested the Chair of that Board follow the procedures outlined in the bylaws. He said the Chair had suggested reducing the total membership from ten to seven. Mr. Webb said the Southwest Truckee Meadows Citizen Advisory Board (CAB) discussed this, and the preference was to reduce the membership from ten to nine.

In response to Commissioner Humke, Mr. Webb said this was the largest CAB. He said this Board has been problematic over the years due to the increasing encroachment into the area by the City of Reno. He said this narrowed the ability of residents in the area to apply for the Board.

Commissioner Humke said the current Chair favored a reduction from ten to seven members with a quorum requirement of four while staff recommended a reduction from ten to nine members. He asked why staff was making that recommendation. Mr. Webb said they were bringing the option recommended by the Board forward, but felt they should also bring the Chair's preference before the Commission.

Commissioner Galloway asked what would happen to the existing members if membership were reduced. Mr. Webb said there were currently two vacancies and one member was ineligible for another term. He said there would be no impact on existing members in either case.

Commissioner Humke thought they needed to explore the way the CAB's were configured. He did not understand why they had duplication of the Neighborhood Advisory Boards and the CAB's.

Upon recommendation of Mr. Webb, through Adrian Freund, Community Development Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution modifying the membership of the Southwest Truckee Meadows Citizen Advisory Board from ten members to nine, dropping one at-large position, be approved and Chairman Larkin be authorized to execute the same:

RESOLUTION

WHEREAS, The Southwest Truckee Meadows Citizen Advisory Board was formed by the Board of County Commissioners on September 14, 1982 to represent the citizens of the southwestern area of the central Truckee Meadows; and

WHEREAS, The annexation of properties to the City of Reno within the Southwest Truckee Meadows Citizen Advisory Board's area of responsibility has changed the available unincorporated membership of the citizen advisory board; now, therefore, be it

RESOLVED, BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Southwest Truckee Meadows Citizen Advisory Board be restructured, as amended in the following paragraph, under the authority of Washoe County Code Section 5.429; and be it further

RESOLVED, That the membership of the Southwest Truckee Meadows Citizen Advisory Board is amended to consist of one member representing the Lakeside/Holcomb area, one member representing the Mt. Rose area, one member representing the South Hills area, one member representing the Windy Hill/Frost Ranch area, one member representing the Zolezzi/Spring Valley/Westridge area, and four at-large members appointed by the Board of County Commissioners; membership areas are as defined on the map, and the at-large members will be appointed with consideration given to equable geographical representation within the unincorporated portions of the citizen advisory board area; and be it further

RESOLVED that this amendment to the membership of the Southwest Truckee Meadows Citizen Advisory Board become effective the date this Resolution is adopted.

**06-383 APPOINTMENT – PLANNING COMMISSION – COMMISSION
DISTRICT 5 – COMMUNITY DEVELOPMENT**

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that the appointment of Dian

Vanderwell to fill the vacancy that exists on the Washoe County Planning Commission for County Commission District 5, with the term of office to expire on June 30, 2007, be approved.

**06-384 ADOPTED LAND USES AND CONGESTION STANDARDS
REVIEW – COMMUNITY DEVELOPMENT AND REGIONAL
TRANSPORTATION COMMISSION**

Derek Morse, Deputy Executive Director of the Regional Transportation Commission (RTC), said the primary reason this was being brought forward was that it was one of the steps in the process outlined by the RTC for coming to a resolution for the southeast connector project. He said land use decisions made and the Level of Service (LOS) standards adopted drove the need for the roads in the long-range transportation plan, and RTC wanted to reaffirm those decisions.

Commissioner Galloway said the adopted land uses under the control of Washoe County were not a problem. Mr. Morse said the only way RTC would have a significant elimination of new facilities was to adopt LOS - F. He said any of the other levels generated a need for a new facility.

Chairman Larkin said there was a discussion at the RTC retreat regarding analysis that needed to take place in the community. He said this had been delayed for over a year, and it was time to move forward.

In response to Commissioner Sferrazza, Mr. Morse said there were three alternative corridors for a southeast connector. He said the fundamental underlying issue RTC was trying to resolve was that the need for any facility was driven by the land use decisions and LOS standards. He said if the community decided they did not want a certain level of development, a lot of the need for these facilities would go away. He said the question was if there was a desire to radically change land use.

Commissioner Sferrazza was concerned with undercharging impact fees if the Board did not affirm this connector and they went to LOS - F. Mr. Morse said the map showed the general corridors that were originally adopted in the plan. He said the next step after the reaffirmation was to work collectively with Reno, Sparks, Washoe County, and Storey County to try to reach consensus on a process to study the alternatives and come up with a recommended alternative for the community. He explained, as long as they agreed on the process at the beginning, the entities involved would support the outcome regardless of what that was. Commissioner Sferrazza said he could not agree to that. Mr. Morse said the Board was not being asked for that right now; that was the next step. He would return to his board for further direction if there was no consensus reached by the governing bodies.

Commissioner Humke asked if there was a possibility of persuading the City of Reno to lower the density and intensity of use in the southeast Truckee Meadows. Mr. Morse said once projects were approved, taking back entitlements would be

enormously expensive. He stated the Cities of Reno and Sparks reaffirmed their land uses already. Commissioner Humke said the County had no control over the density and intensity with which Reno developed land; and unless something changed, he could not support reaffirming the standard.

Chairman Larkin said the question was if the Commissioners were going to change density. Mr. Morse said they were not asking the Commission to reaffirm the land uses of either Reno or Sparks, but to reaffirm those areas the County had jurisdiction over.

In response to Chairman Larkin, Adrian Freund, Community Development Director, said there could be modest land use density changes.

Commissioner Galloway had no problem confirming the land uses of Washoe County, but he did have a problem with confirming the congestion standards.

Commissioner Humke described a de facto southeast connector that was already under development.

After further discussion, Commissioner Humke moved for no further consideration of this item. Commissioner Sferrazza seconded the motion. On call for the vote, the motion failed two to three with Commissioners Weber, Larkin, and Galloway voting “no”.

On motion by Commissioner Galloway, seconded by Chairman Larkin, which motion duly carried with Commissioners Humke and Sferrazza voting “no”, Chairman Larkin ordered the reaffirmation of the existing land uses reported to the Regional Transportation Commission; however, the Board did not reaffirm the congestion standards but stated they would be flexible in this issue.

5:27 p.m. The Board recessed.

6:39 p.m. The Board reconvened with all members present.

06-385 **COUNTY OF WASHOE V. EVANS CREEK, LLC – CASE NO. CV04-02092 (BALLARDINI RANCH)**

Herb Rubenstein, local resident, felt amending the complaint was not a good idea because the entire Ballardini Ranch was needed for future community infrastructure.

Mary Dugan, local resident, agreed with Mr. Rubenstein.

Mike Robinson, local resident, advised the Board to stay the course regarding the purchase of the Ballardini Ranch. He addressed the Evans Creek, LLC purchase of the Ballardini Ranch and indicated he would normally have concerns about

using eminent domain. He felt a corporation that would be handsomely rewarded owned the Ballardini Ranch.

Andrew Barbano, local resident, favored resolution by negotiation. He discussed the full-page ad in Sunday's *Reno Gazette-Journal* and the reported offer by Evans Creek, LLC to donate 500 acres of the Ballardini Ranch to Washoe County. He wanted to see the proof of that offer, which should be the first thing Evans Creek did if they were serious about negotiating. He felt the Board should take it to court if Evans Creek was not willing to negotiate.

Tom Erwin, Evans Creek, LLC Attorney, said he was here to observe and had no comments on what had been stated so far.

Gary Schmidt, local resident, requested his comments be placed in detail in the minutes as provided under the Open Meeting Law. He then read a portion of a letter from Al Hesson, local resident, into the record, which was placed on file with the Clerk. Mr. Schmidt felt a good deal had been botched over a 10-year period by various County Commissions. He said Katy Singlaub, County Manager, should be prosecuted for criminal fraud if the comments in the *Reno Gazette-Journal* ad about lobbying to keep the Ballardini Ranch out of the Reno Sphere of Influence to keep the price down were true. He had supported the acquisition of the Ballardini Ranch since 1996 when it was available for \$8.5 million. He suggested taking the deal offered, getting three independent appraisers, and paying the price. He said the way things were going the County would spend more on litigation than on purchasing the property.

Chairman Larkin read the following names of local residents that were against amending the complaint: Courtney Willey, Kris Nash, Charles Ragusa, Pamela Galloway, Joe Livak, Nic Towle, Barbara Hunt, Tiffany Moeltner, Meg Watson, Ray Watson, Dennis Bohall, and Kathy Bohall. Local resident, Bill Von Phul, was for amending the complaint.

Commissioner Galloway explained the handout from Klaus Moeltner, Ph.D, Department of Resource Economics Assistant Professor, University of Nevada, Reno, on the potential economic benefits of acquiring the Ballardini Ranch, which was placed on file with the Clerk.

Dr. Moeltner, speaking as a private citizen, discussed his handout describing the potential economic benefits of acquiring the Ballardini Ranch and making it a regional park. He said the information was best understood as a template of how benefits could be thought of but could not substitute for primary research.

On motion by Commissioner Humke, seconded by Chairman Larkin, which motion duly carried, it was ordered that the discussion and possible action and direction to legal counsel regarding the County of Washoe v. Evans Creek, LLC, Case No. CV04-02092, be continued to a date certain of April 25, 2006.

Commissioner Humke commented this continuance allowed the County to keep all options open but did not change anything.

Commissioner Galloway supported the motion because it did not amend the complaint.

Commissioner Sferrazza supported the motion because it kept all options available for as long as possible.

06-386 RESOLUTION – AUTHORIZING SALE OF GENERAL OBLIGATION (LIMITED TAX) PARK BONDS – FINANCE

Klaus Moeltner, Ph.D, Department of Resource Economics Assistant Professor, University of Nevada, Reno, rebutted the argument that if the homes were not built, the County would be foregoing some economic activity, because he felt the homes would be built elsewhere in the Reno/Sparks area and would free up the water rights for those homes not built. He encouraged the Commission to conduct a primary study to get more precise estimates on the potential economic benefits of acquiring the Ballardini Ranch than the ones provided in his handout, which was placed on file with the Clerk.

Toni Harsh, Voices of Truckee Meadows President, said this was an opportunity to buy an appreciating value, which she felt was a good thing. She asked the Commissioners to consider the recommendations by the Open Space and Regional Parks and the Debt Management Commissions.

Herb Rubenstein, local resident, stated economic development required more infrastructure than just roads and houses; and for employers to attract and maintain a quality workforce there must be adequate parks, wildlife, and recreation areas. He felt good planning accommodated the community's needs as a whole and over a large span of time. He stated the County could not afford to miss the opportunity to secure the Ballardini Ranch for all generations to come and avowed there would be no second chance.

Andrew Barbano, local resident, discussed the development of the Ballardini Ranch; a copy of his remarks was placed on file with the Clerk.

Mary Dugan, local resident, reiterated the Board should stay the course and spelled out QUALITY as it related to the purchase of the Ballardini Ranch.

Charles Ragusa, local resident, reiterated his support of the acquisition of the entire Ballardini Ranch and applauded the Board's actions to date.

Tom Erwin, Evans Creek, LLC Attorney, opposed the bond financing.

Trent Averett, local resident, opposed issuing the bonds because it would siphon taxpayer dollars that could be used for other critical needs and would have a financial impact on the County for many years to come. He felt Community Development should work with Evans Creek, LLC to create a development that would generate property taxes and provide access to federal lands.

Chairman Larkin read the following names of local residents that were for the resolution: Elaine Steiner, Claudia Patraw, Laura Carman, Bill Von Phul, Barbara Hunt, Pamela Galloway, Mike Robinson, Joe Livak, Tiffany Moeltner, Meg Watson, Nic Towle, Dennis Bohall, Kathy Bohall, and Ray Watson. Local residents, Courtney Willey and Kris Nash, were against issuing the bonds.

On motion by Commissioner Humke, seconded by Chairman Larkin, which motion duly carried with Commissioner Weber voting “no,” it was ordered that the resolution authorizing the County Finance Director to arrange for the sale of the General Obligation (Limited Tax) Park Bonds be continued to a date certain of April 25, 2006.

Commissioner Galloway clarified his conversation with Dr. Moeltner, and stated he supported the motion to fund the purchase of the Ballardini Ranch.

Commissioner Weber said she did not support the motion because of the cost.

Commissioner Sferrazza said he supported the motion. He was prepared to vote for the resolution tonight, but would like any available options explored before taking a final position.

7:09 p.m. Chairman Larkin temporarily left the meeting and Vice Chairman Weber assumed the gavel.

06-387 **APPEAL CASE NO. AX06-002 – SPECIAL USE PERMIT CASE**
NO. SW05-023 – PEMBROKE COMMERCIAL CENTER -
COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on March 31, 2006 to consider Appeal Case No. AX06-002, the appeal of the denial by the Washoe County Planning Commission of the Pembroke Commercial Center, Special Use Permit Case No. SW05-023. The appeal was based on the Planning Commission not making two (2) of the required mandated findings in order to conditionally approve the special use permit request. Proof was made that due and legal Notice had been given. This item was continued from the March 14, 2006 Commission meeting.

The subject property, APN 021-081-08, is located at 4760 Sinelio Drive at the southeast corner of McCarran Boulevard and Pembroke Drive. The parcel totals ±.66-acres, is designated Medium Density Suburban (MDS) in the Southeast Truckee Meadows Area Plan, and is situated in a portion of Section 21, T19N, R20E, MDM, Washoe County, Nevada. The property is located in the Southeast Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2.

The Vice Chairman opened the public hearing by calling on anyone wishing to speak for or against Appeal Case No. AX06-002.

Sandra Monsalvè, Planner, discussed the planned development of the subject property as detailed in her PowerPoint presentation, which was placed on file with the Clerk. She indicated multifamily was not allowed on this parcel under Medium Density Suburban (MDS) zoning. She stated a convenience store or a group care facility could apply under a Special Use Permit with a parcel zoned MDS.

Gary Duhon, Pembroke Ventures representative, addressed the Board regarding the development of the Pembroke Pavilion. A copy of his PowerPoint presentation was placed on file with the Clerk. Echoing staffs' comments regarding annexation, he said the developer chose to work with the County to find a use that would be suitable rather than annex into the City of Reno. He stated the developer believed a suitable use had been found.

7:25 p.m. Chairman Larkin returned to the meeting.

Wesley Carmean, neighborhood resident, discussed his objections to the development and provided a letter to the Commissioners dated April 11, 2006 that contained additional reasons for denying the appeal, which was placed on file with the Clerk. He requested the Board reject the appeal.

Jill MacGregor, neighborhood resident, addressed the issue of the CC&R's, but felt the main issue was safety. She did not believe Starbucks would only sell 50 cups of coffee in the morning because she had found out the Quick Serve across the street sells 250-300 cups. She discussed the traffic impacts and indicated 120 signatures were obtained from people in the neighborhood opposed to the development.

Rae Burnet, neighborhood resident, stated she was opposed to the project. She said the CC&R's were null and void because there was no homeowners association, and she read the definition of a neighborhood center. She felt the sandwich shop traffic would compound that of the Starbucks, and the project would serve commuter traffic not neighborhood residents.

Ken Krater, K. Crater Consulting representing the applicant, explained why a traffic study was not required and why one was done. He discussed the Levels of Service (LOS) and concluded the LOS remained good for the project. He also discussed the lighting and drainage.

Jim Pilsner, local resident, submitted a letter supporting the project, which was placed on file with the Clerk.

Terri Thomas, neighborhood resident, addressed her concerns with ingress, egress and stacking.

Kathy Jackson, neighborhood resident, opposed the development because of operating a home daycare less than 600 yards away and her concern with the children's safety because of increased traffic. She was also concerned about flooding.

Jim Wodke, neighborhood resident, discussed the problem of headlights shining into his house, school busses picking up and dropping off children, and accidents.

Dave Jackson, neighborhood resident, complained the two-minute time limit did not allow enough time to speak on this issue. He explained the 80 trips the developer was expecting were actually 80 additional trips. He stated people turning off McCarran or Pembroke would stack down Sinelio Drive. He said the target audience for the Starbucks was up on the hill, which would increase the traffic on Pembroke. He felt moving the driveway across from the neighbor's driveway would make it hard for the neighbor to get out to go to work. He had talked to 60 residents that do not want the Starbucks in the neighborhood and asserted the only people that want it were the developers. He suggested an alternate location for the Starbucks on the corner of Longley that was already zoned commercial.

Chris Jackson, neighborhood resident, said he was 16 years old and liked his rural lifestyle. He said the Starbucks made no sense at that location and the traffic would increase a lot more.

Jeannie Harkema, local resident, expressed concerns with traffic and people coming into the area and learning the school children's routines. She also had significant concerns about flooding because the neighbor next to the proposed development had standing water.

Scott Harkema, local resident, said the lot was under water during the last flood. He felt there was no way the developer could build without raising it up above the flood plain, which would make the flooding much worse for the surrounding properties. He discussed the traffic study and his traffic concerns.

Gary Schmidt, local resident, said this proposal was the result of bad Development Code. He read the description of MDS, which he believed left it open for interpretation. He said a Starbucks did not meet the definition of a neighborhood center, and he provided examples of what would and would not meet that definition.

Karen Wodke, neighborhood resident, said three corners already were used for commercial development and it was not a good idea to put a Starbucks on the fourth corner.

Mike Ferrigino, local resident, felt building a commercial building next to someone's home would bring down its property value. He asked what would happen if an emergency vehicle needed to go down Sinelio Drive if cars were stacked down it. He felt a 30-60 second delay could mean someone's life or property.

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

In response to Commissioner Galloway, Ms. Monsalvè replied she had not seen a condition by Engineering calling for no stopping on Sinelio Drive. She said such a condition might not have been triggered because of the level of flow indicated in the traffic study. Commissioner Galloway wondered how the condition could hurt. He asked if there was a street widening condition. Mr. Krater replied there was a condition that Sinelio Drive had to be widened to 42 feet. He reiterated the study showed there was adequate stacking and moving the driveway to the south increased the available stacking.

In response to Commissioner Galloway, Mr. Krater replied they did not want any cars stacked on Sinelio Drive. Commissioner Galloway asked if they would agree to a condition that would not allow any stopping on the west side of Sinelio Drive from the corner until past the driveway. Mr. Krater replied they would have no problem agreeing to that condition.

After comments from the audience, Vice Chairman Weber requested the audience members remain quiet because it was the Commissioners' turn to speak.

Commissioner Galloway preferred that there would be no stopping from the entrance of the driveway to the opposite driveway. He said the drive-through lane had plenty of room for cars to stack without going out into the main parking lot.

Chairman Larkin indicated the one-to-one ratio was currently being evaluated, which was the current policy for flood control. He asked where it would come from if the Board went greater than the one-to-one ratio.

Mr. Krater indicated there was not much of a rise in elevation for the building and the parking lot was being cut to lower it to meet Code; and, if the Flood Control Ordinance was changed to increase the ratio, they would meet it. Chairman Larkin asked how would they meet 1.5 if they had already done the maximum. Mr. Krater replied the design was not final. He said they would continue to lower the parking lot and landscaping surrounding the building, which could include underground storage to increase capacity, until the Code requirements were met.

Mr. Duhan interjected they had to work within the engineering constraints and the Code that applied to the Americans with Disabilities Act, but the intent was to maximize flood storage as long as it did not cause problems elsewhere.

In response to Commissioner Humke, Mr. Duhan said he could not speak to whether or not the CC&R's were in force, but felt they were not relevant. He stated the CC&R's originally did not address retail on the site, but did preclude residential. He said in 1979 it was recognized the site was suitable for retail and the CC&R's were amended to permit retail. Commissioner Humke asked if the CC&R's still provided some sort of notice to the property owners if it was assumed they were null and void. Mr. Duhan said they did provide notice because they had been recorded in public record since 1979. Commissioner Humke asked if the downstream properties would be left in a worse condition. Mr. Duhan said the intent was to improve conditions, but at the very least they

would be left in a neutral position. He explained the property was Zone 1, which had the most stringent Code requirements in the valley. He said those requirements would be met or exceeded.

Commissioner Humke asked if staff could make the findings that the Planning Commission was unable to make. Ms. Monsalvè said staff originally made the findings and recommended conditional approval. She said the development had been conditioned for the type of project intended for the site. She stated the traffic analysis indicated there would be no change to the LOS, and she also addressed the other findings.

In response to Commissioner Sferrazza, Mr. Duhan said he was aware there were rules of law that stated if CC&R's were not adequately enforced for a long period of time they could be held null and void. He said that would have to be deemed within a court of law. He speculated on what might have happened, but said he was not aware of anything that would have terminated the CC&R's by agreement or by court order. He said, more importantly, the CC&R's had been a public record for 26 years that indicated the retail use.

Commissioner Sferrazza said there had been testimony that the property was completely covered with water during the last flood and requested specifics on addressing that concern. Mr. Duhan stated at least as much would be taken out as added, and there was 22,000 square feet that could be lowered. Commissioner Sferrazza said the parking lot would be an impervious surface increasing the area where the water could not go into the ground. Mr. Duhan replied the amount of water soaking into the ground was minimal, and the paving would have a miniscule effect. He stated the intent of the County Flood Ordinance was how much water could be stored on the site until it could drain naturally and how much flowed off during storms.

In response to Vice Chairman Weber, Mr. Duhan said annexing into the City of Reno was considered. He stated they worked with the County to put the property to good use, which he believed had been accomplished. He said they would not provide the opportunity for someone adjacent to them to annex. He discussed the plans that would help alleviate Mr. Carmean's flooding.

In response to Commissioner Galloway, Ms. Monsalvè said Condition 12 addressed street widening. Commissioner Galloway said he felt Condition 25 was adequate to address traffic going north, but there should be a condition addressing traffic coming in from a different direction. Ms. Monsalvè indicated the berms were covered under the current landscaping conditions.

Commissioner Galloway indicated the land was already zoned for what the developer was asking for. He said the Special Use Permit could not be unreasonably denied if the findings could be made and sufficient conditions could be added to mitigate any negative impacts.

In response to Chairman Larkin, Ms. Monsalvè stated she did not understand why the Planning Commission could not make Findings 2, 3, and 4; but she felt they were concerned with flooding, traffic, and everything being said here tonight. She felt the project was suitable for neighborhood development. She said the issuance of the permit would not be detrimental to public health, safety or welfare and why she felt that was a very subjective condition. She stated a residence or business would have the same impacts regarding flooding and the conditions would address any negative impacts.

In response to Chairman Larkin, Mr. Wodke replied the issue of headlights shining into his two bedrooms would be mostly in the morning. He stated traffic into Starbucks would be all the time. He said the developers had never been at the site when it was flooded, and he doubted they understood there was no drainage on that side of the street to handle the runoff. He addressed what really happened to the runoff.

Vice Chairman Weber said she hoped the developers had heard the concerns of the two neighbors and would work with them.

In response to Commissioner Humke, Ms. Monsalvè said the applicant suggested the hours of 6:00 a.m. to 11:00 p.m. She said there was no way it could become a 24-hour operation if it were conditioned with hours of operation. Commissioner Humke asked if the applicant would be willing to change the time.

Mr. Duhan explained it was 6:00 a.m. to 11:00 p.m. Monday through Saturday and 7:00 a.m. to 9:00 p.m. on Sunday. He indicated narrowing the hours tended to condense traffic. He asked if 10:30 p.m. would be acceptable. Commissioner Humke indicated he would be more comfortable with 10:00 p.m. Mr. Duhan agreed to 10:00 p.m.

Commissioner Sferrazza requested one of the opponents address Mr. Duhan's comments that no court case had been decided and why the CC&R's could not be enforced. Ms. Burnet explained that the CC&R's required shake roofs. She said one house was moved in without a shake roof, which violated the CC&R's because nothing was done about it. She believed this was discussed at a Citizen Advisory Board meeting, and she indicated the homeowners association was not active.

Commissioner Sferrazza asked if anyone had actually counted the number of cars that go into Starbucks. He felt it would be higher than the 55 morning trips cited by the developer. Mr. Krater said it was 55 trips per hour and the trip generation numbers came from dozens of nationwide studies for coffee shops with drive-throughs. He presumed most of those were a Starbucks type operation. Commissioner Sferrazza said the site also had other trip generators. Mr. Krater said 7:30-8:30 was typically the peak morning hour and the majority of the trips would be from Starbucks. He stated the other shops would not generate much, if any traffic, during that period.

In response to Vice Chairman Weber, Mr. Duhan said there was room for seven to eight cars to be in the drive-through lane at one time and for eight to nine cars to

be within the actual stacking area. He expected exceeding normal stacking would be an unusual circumstance, and he addressed how cars would enter and leave the site.

A comment from the audience led to a warning from Vice Chairman Weber that such outbursts would lead to removal.

In response to Vice Chairman Weber, Ms. Monsalvè said there was only one way in and out for the property owners that live in the adjacent residential area.

In response to Commissioner Galloway, Paul Lipparelli, Deputy District Attorney, explained the County did not enforce CC&R's; and a Special Use Permit should not be unreasonably denied if the impacts could be conditioned. He explained CC&R's were private covenants, which property owners enforce against one another through civil action. He said the issuance of a Special Use Permit was a discretionary act and any evidence produced at the hearing could be relied upon by the Board to make a judgment on whether or not the Special Use Permit should be issued. He indicated there were several Nevada cases upholding a County Commission's use of substantial evidence in making its findings. He explained the substantial evidence test was met if a reasonable mind would find the evidence adequate.

In response to Chairman Larkin, Ms. Monsalvè discussed traffic ingress and egress. She agreed that most of the morning traffic would be coming from the south on the way to jobs in the cities of Sparks and Reno. She doubted northbound traffic would cross the road and would stop at the Quick Stop instead. Chairman Larkin discussed a similar situation in Spanish Springs and asked if there were adequate provisions to prevent delivery and garbage trucks from coming in at 5:00 a.m. Ms. Monsalvè said there was not a specific provision addressing deliveries, but one could be added stating there would be no deliveries before a specific time.

In response to Commissioner Humke, Ms. Monsalvè said the developer had exceeded the 20 percent landscaping requirement. She said there was also a condition that they had to go before a Design Review Committee.

In response to Commissioner Humke, Ms. Monsalvè felt immediate meant the neighborhood adjacent to the property and did not include Hidden Valley. She defined a neighborhood commercial center.

Vice Chairman Weber disclosed meeting with Mr. Duhan on another matter and discussing this project. Mr. Duhan addressed Vice Chairman Weber's traffic visibility concerns while making a right hand turn off Sinelio Drive.

Chairman Larkin moved that the Board of County Commissioners overturn the Planning Commission's denial of Special Use Permit Case No. SW05-023, Pembroke Commercial Center, by making the required findings, including Findings 2, 3, and 4, and approve the Special Use Permit with all of the conditions from the original

staff report as well as conditions heard tonight from Commissioners Galloway, Humke, and Weber and Chairman Larkin.

After clarifying Commissioner Weber's condition was actually a request, Commissioner Galloway seconded the motion.

Commissioner Sferrazza requested a condition that would require the developer to contribute to any signalization that would become necessary on the corner of Pembroke Drive and Sinelio Drive.

Mr. Lipparelli interjected that the motion was based on conditions that were stated during the hearing and that the applicant had an opportunity to agree to. He said it would be up to the Clerk to go back and figure out any additional conditions. He recommended each Commissioner state for the record the conditions they understood had been agreed upon during the discussion. He said that way the Board and the applicant would know what had been approved and what had not.

Chairman Larkin requested the following additional conditions:

1. Timing of delivery trucks, cleaning of grease traps, garbage pickup not occur during prime sleep time; but should occur during a time that would not be disruptive for the operation nor disruptive for the neighborhood.
2. Flood Control: Making sure there was no compromise at all with the flood mitigation that was being put into effect in the flood plain.

Commissioner Galloway stated his additional condition was there would be no stopping, no parking lane on the west side of Sinelio Drive all the way from the corner of Pembroke Drive and all the way down to the east entry (new) driveway. The no stopping lane also goes into the main parking lot, not the secondary parking lot, so it heads west to the point at which the drive-through lane intersects the parking lot. So it is the north side of the main parking lot and the west side of Sinelio Drive.

Commissioner Humke requested Condition 7 be changed to reflect the Monday through Saturday hours of operation starting at 6:00 a.m. and closing at 10:00 p.m. Sunday remained the same.

Commissioner Sferrazza requested language be added to Condition 25 to require the developer to contribute to any warranted traffic control device.

Commissioner Weber requested the developer work with all the residents on the issue of flood control.

Commissioner Galloway said he thought the Board had agreed that was a request not a condition. He asked staff if Commissioner Sferrazza's condition could be added because the proportion was not known.

Commissioner Sferrazza said Condition 25 stated the County traffic engineer should determine compliance with this condition, and he would like language added to include contribution to a traffic control device if warranted based on the percentage of the traffic the development contributed.

Sharon Kvas, Planning Manager, said, in the past, the amount of additional traffic over what currently existed was calculated and the developer was asked to contribute that percentage. She said the condition could be crafted to state, if warrants were accomplished to require a traffic control device, then a ratio would be established between the new development and the existing traffic and the developer would contribute that percentage.

Commissioner Galloway suggested the condition state: If a traffic control device was warranted, the developer would be required to contribute a share proportional to the impacts contributed. Commissioner Sferrazza agreed that was exactly what he was requesting. He asked if that would be okay with the maker of the motion.

Chairman Larkin agreed it was okay.

Commissioner Humke disclosed he had met with Mr. Jackson and Mr. Duhan regarding this application. He had walked the property and had seen it flooded during recent events. He said the Special Use Permit should not be unreasonably withheld and that was where conditions come in. He addressed the adequacy of the Code and stated that could not be solved tonight. He said staff had stated they could make the findings and it came down to he could not reasonably withhold his consent. He commented on the annexation issue, stating no one here would like the intensity that the City of Reno would give this development.

Chairman Larkin disclosed he conversed with Mr. Duhan about his flood control concerns. He said that was a significant issue for him, and he would be monitoring it with great interest.

After the above clarification of the conditions, on a call for the vote the motion carried unanimously and it was ordered that, based on the Board having made the following findings, Special Use Permit Case No. SW05-023 be approved subject to the following conditions as amended by the Board.

FINDINGS:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Southeast Truckee Meadows area plan;

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for small Neighborhood Commercial facility to serve the local residents;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting; and
6. Reasoned Consideration. The Washoe County Board of County Commission gave reasoned consideration to information contained within the reports transmitted to the County Commission by the Washoe County Planning Commission and the information received during the Washoe County Commission public hearing.

CONDITIONS FOR SPECIAL USE PERMIT CASE NO. SW05-023 PEMBROKE COMMERCIAL
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UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES.

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

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

SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

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

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, “MAY” IS PERMISSIVE AND “SHALL” OR “MUST” IS MANDATORY.

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall complete construction of all structures used to further the operation within three (3) years from the date of approval by the Washoe County Planning Commission.
3. A copy of the Action Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
4. Prior to the issuance of any administrative permit issued by Washoe County, the applicant shall remove all off-premise signs (billboards) from the project site (APN: 021-081-08) and place a restrictive covenant on the property that prohibits the further erection of off-premise signs, with Washoe County made a part to the covenant. The District Attorney’s Office and the Department of Community Development shall determine compliance with this condition.
5. The applicant and any successors shall direct any potential purchaser/operator of the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the special use permit. The subsequent purchaser/operator of the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
6. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

OPERATIONAL CONDITIONS

7. Hours of operation for all businesses on site shall be from 6:00 a.m. to 10:00 p.m., Monday through Saturday, and 7:00 a.m. to 9:00 p.m. on Sunday. The Department of Community Development shall determine compliance with this condition.

DRAINAGE AND GRADING

8. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property. The Engineering Division shall determine compliance with this condition.
9. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer. The County Engineer shall determine compliance with this condition.
10. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer. The County Engineer shall determine compliance with this condition.
11. All roadway improvements necessary (including but not limited to, curb, gutter, sidewalk, signing and striping, driveway access, and street lighting) to serve the project shall be designed and constructed to County standards and specifications to the satisfaction of the County Engineer. Curb, gutter, and sidewalk shall be constructed from pedestrian crossing at McCarran along Pembroke and Sinelio to the south property line. The County Engineer shall determine compliance with this condition.

12. Sinelio Drive must be constructed to County standards for 42' ROW (table 110.436.25.3). Curb, gutter and sidewalk shall only be required on the west side of Sinelio Drive. The Engineering Division shall determine compliance with this condition.
13. All paving and driveway improvements necessary to serve the project shall be designed and constructed to County standards and specifications. Driveway approaches shall have a 36-foot minimum width at the property line. The Engineering Division shall determine compliance with this condition.
14. Driveway locations shall conform to the Washoe County Code Article 436 for commercial driveways. The driveway on Sinelio is less than 150' from the centerline of Pembroke Drive a minor arterial road and therefore shall be relocated. The Engineering Division shall determine compliance with this condition.
15. The access driveway off of McCarran Boulevard shall be 36' (thirty-six feet) wide at the property line and a permit shall be obtained from the City of Reno. The County Engineer shall determine compliance with this condition.
16. The minimum pavement structural section shall be three inches (3") of asphalt over six inches (6") of granular base for Sinelio Drive to the satisfaction of the County Engineer.
17. All regulatory traffic signs shall meet County standards and the Manual on Uniform Traffic Control Devices. The County Engineer shall determine compliance with this condition.
18. The minimum pavement requirements for on-site paving shall be three inches (3") asphalt over six inches (6") granular base. The Engineering Division shall determine compliance with this condition.
19. In addition to the traffic report, submit a plan indicating the delivery truck patterns and movements. The County Engineer shall be responsible for determining compliance with this condition and the traffic improvements that are required. The County Engineer shall determine compliance with this condition.
20. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5 – and 100-year storm flows impacting both the site and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties. The Engineering Division shall determine compliance with this condition.

21. Any increase in storm water runoff resulting from the development and based upon the 5-year storm shall be detained on site to the satisfaction of the County Engineer. The County Engineer shall determine compliance with this condition.
22. The FEMA 100-year floodplain, floodway and/or shaded X boundaries with associated flood elevations shall appear on the site plan to the satisfaction of the County Engineer. Building permits for structures and fill in these areas shall be in conformance with the Washoe County Code Article 416. The County Engineer shall determine compliance with this condition.
23. The property is within the designated Critical Flood Storage Zone 1 as shown on Washoe County Development Code Article 110.416.18.1. Provide compensatory storage for all fill in the flood zone at a one to one ration (1:1) on the project site or in a hydrologically connected basin as determined by the Department of Public Works. The County Engineer shall determine compliance with this condition.
24. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the County Engineer. The County Engineer shall determine compliance with this condition.

TRAFFIC

25. The applicant shall be required to provide an analysis to show the driveway onto Sinelio Drive allows enough room to queue existing traffic and proposed project traffic. If traffic on Pembroke backs up past the intersection of Sinelio Drive, or if future traffic is likely to back up beyond Sinelio, then the analysis shall demonstrate adequate queue length on Sinelio in order to mitigate any possible negative impacts. Should the County traffic engineer, based upon a study, determine that a traffic control device is warranted to enable traffic from Sinelio to enter Pembroke, or vice-versa, the developer is required to contribute a share proportional to the impact it contributes. The County Traffic Engineer shall determine compliance with this condition.
26. With the approval of the Nevada Department of Transportation (NDOT), the driveway on McCarran shall be right turn in only, with a minimum width of 14-feet and a maximum width of 20-feet. Curb returns shall be designed to handle truck turning radius. The County Traffic Engineer shall determine compliance with this condition.

WATER AND SEWER

27. The applicant shall dedicate necessary water rights prior to issuance of a Will-Serve letter by the Department of Water Resources (DWR). A valid Will-Serve letter is a pre-requisite to release of building permit. The dedication of water rights shall be in accordance with Article 422, the terms of the Wholesale Agreement between Washoe County and Truckee Meadows Water Authority (TMWA). Water rights must be in good standing with the State of Nevada

Division of Water Resources and the point of diversion, place and manner of use must be acceptable to the DWR. The DWR shall determine compliance with this condition.

28. In accordance with the applicable ordinances, all fees shall be paid prior to release of building permit. The DWR shall determine compliance with this condition.
29. Fees for improvement plan checking and construction inspection shall be in accordance with Washoe County Ordinance and paid prior to release of building permit.
30. Improvement plans shall be in compliance with Washoe County Design Standards. A Professional Engineer licensed to practice in the State of Nevada must design the improvement drawings. The DWR shall determine compliance with this condition.
31. DWR approved improvement plans shall be used for the construction of the water and sanitary sewer systems. The DWR will be responsible to inspect the construction of the water and sanitary systems. The DWR shall determine compliance with this condition.
32. No structures (including retaining or rockery walls, building's, etc.) shall be allowed within or upon any County maintained utility easement. The DWR shall determine compliance with this condition.

FIRE SAFETY

33. Access shall be provided per Washoe County, Chapter 60 and the Reno Fire Department Policy. Reno Fire Department shall determine compliance with this condition.
34. Hydrants and fire flows are required per Washoe Chapter 60 and shall be verified by the Reno Fire Department. Reno Fire Department shall determine compliance with this condition.

LANDSCAPING AND DESIGN

35. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Department of Community Development for review and approval by the Design Review Committee. Said plan shall address, but not be limited to: type and color of building materials, general architectural design, parking, parking lot circulation and striping, signage, exterior lighting, fencing, trash enclosures, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained.

36. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 408, 410 and 412 of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the code that the Director of Community Development has waived.
37. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Department of Community Development, prior to a Certificate of Occupancy. The plan shall be wet-stamped.
38. A solid masonry wall or other material with sound attenuating properties with a height of 8-feet will be installed along the southern property line of the project that abuts existing residential development. The wall shall be constructed in such a manner that there is at least a horizontal separation of two-feet between each section of wall, each section of wall shall not exceed thirty feet in length. At no point shall the height of the wall exceed eight (8) feet. The wall shall also include stripes or design features of varying material texture and/or color to blend harmoniously with the surrounding neighborhood. The Department of Community Development shall determine compliance with this condition.

DESIGN REVIEW

39. The applicant will be required to submit a landscaping/architectural plan, which shall be reviewed and approved by the Design Review Committee prior to any ground-disturbing activity. Said plan(s) shall address:
 - a. Type and color of building materials, including a color palette;
 - b. Articulation of all sides of the buildings;
 - c. Outdoor furniture (if any), landscaping and specialized paving materials (if any);
 - d. All project signage, including any monument signage;
 - e. The proposed lighting fixtures and poles, including intensity of lumination and containment of spillage upon the property;
 - f. Landscaping material (for plant material include type, size at time of planting, maturation size at full growth, period of time between planting and full growth);
 - g. Revegetation plan;

- h. Drainage and detention pond areas;
- i. Landscaping irrigation system;
- j. Fencing/wall material.
- k. Trash enclosure materials and landscaping for screening purposes. The Department of Community Development shall determine compliance with this condition.

AVIGATION EASEMENT

- 40. The property owner(s) shall grant an Avigation Easement to, and acceptable to, the Reno-Tahoe Airport Authority over the entire property. The property owner(s) shall provide the Planning Department with appropriate documentation indicating the Avigation Easement has been granted and accepted by the Reno-Tahoe Airport Authority, prior to the issuance of a building permit. The Reno-Tahoe Airport Authority shall determine compliance with this condition.

ADDED CONDITIONS FROM BOARD OF COUNTY COMMISSIONERS

- 41. That there would be a no stopping lane, no parking lane on the west side of Sinelio all the way from the corner of Pembroke down to the east entry driveway and that the no stopping clear lane go into the main parking lot, heading west to the point at which the drive-thru lane intersects the parking lot. (North side of the main parking lot and west side of Sinelio).
- 42. Timing of delivery trucks; grease trap maintenance; garbage pickup shall not occur during prime sleep hours, but should occur during a time that would not be disruptive for the operation of the center nor disruptive for the neighborhood. The Department of Community Development shall determine compliance with this condition.
- 43. The applicant/developer shall be sure that there is no compromise with the flood mitigation that is being put into effect in the floodplain. The Department of Water Resources shall determine compliance with this condition.

8:56 p.m. The Board recessed.

9:11 p.m. The Board reconvened with Chairman Larkin assuming the gavel.

ORDINANCE NO. 1293 - BILL NO. 1472 - AMENDING CHAPTER 53 – ADDING SECTION PROHIBITING TICKET SCALPING

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on March 31, 2006 to consider second reading and adoption of Bill No. 1472. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Commissioner Galloway disclosed he had discussed this item with Mr. Clark, a representative of Burning Man. He said Mr. Clark was not enthusiastic about the Ordinance.

Gary Schmidt, local resident, opposed the Ordinance. He said the representatives of Burning Man had indicated that they were going to withdraw their request that this item be addressed at this time, and he discussed why the request had come about. He felt there was an enforcement issue with this Ordinance. He stated the representatives had requested he work with them on resolving some of the problems, and he described a possible remedy. He did not feel it was appropriate that County taxpayer dollars be expended or a new law created to solve a business problem of the Burning Man group.

Commissioner Sferrazza said he could not support this Ordinance. He stated he had the same conversations as Commissioner Galloway. He felt it was more appropriate for Burning Man to advertise that they had plenty of tickets available and tickets did not have to be bought on the street. He felt it could be addressed in ways other than making it a crime.

Commissioner Galloway explained the reason the Ordinance was proposed, and he agreed there would be enforcement problems.

Commissioner Weber said she appreciated the Commissioners allowing this to be tabled indefinitely.

The Chairman closed the public hearing.

On motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1293, Bill No. 1472, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY PROHIBITING THE SALE OF A TICKET OF ADMISSION TO AN ENTERTAINMENT, SPORTING EVENT OR ART EVENT AT A PRICE IN EXCESS OF THE PRICE PRINTED UPON THE TICKET,**" be tabled indefinitely.

06-389 **BILL NO. 1474 – AMENDING WCC CHAPTER 65 – COUNTY SAFETY COMMITTEE**

Bill No. 1474, entitled, "AN ORDINANCE AMENDING CHAPTER 65 (SAFETY AND DISASTER SERVICES) OF THE WASHOE COUNTY CODE BY AMENDING PROVISIONS RELATED TO THE COUNTY SAFETY COMMITTEE, REQUIRING THE COUNTY RISK MANAGER TO INVESTIGATE AND REPORT ON ACCIDENTS OR INCIDENTS INVOLVING COUNTY DRIVERS, PROVIDING THAT THE SAFETY COMMITTEE SHALL ONLY REVIEW THE FINDINGS OF THE RISK MANAGER AS TO ACCIDENTS OR INCIDENTS UPON THE REQUEST OF CERTAIN PERSONS, CHANGING THE MEMBERSHIP OF THE SAFETY COMMITTEE FROM NINE MEMBERS TO SEVEN BY ELIMINATING TWO COUNTY MANAGEMENT POSITIONS, AND OTHER MATTERS RELATING THERETO," was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

06-390 **ORDINANCE NO. 1294 - BILL NO. 1475 - ISSUANCE OF SPECIAL ASSESSMENT DISTRICT NO. 31 (SPEARHEAD WAY-RUNNING BEAR DRIVE) LOCAL IMPROVEMENT DISTRICT BONDS, SERIES 2006**

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Larkin ordered that Ordinance No. 1294, Bill No. 1475, entitled, "AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 31 (SPEARHEAD WAY-RUNNING BEAR DRIVE) LOCAL IMPROVEMENT DISTRICT BONDS, SERIES 2006 IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$109,474 TO FINANCE THE COST OF STREET IMPROVEMENTS; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING THE EFFECTIVE DATE HEREOF AND OTHER MATTERS PROPERLY RELATED THERETO," be approved, adopted and published in accordance with NRS 244.100.

06-391 **LEGISLATIVE ISSUES – LEGISLATIVE AFFAIRS**

Chairman Larkin stated he had received correspondence from the Truckee Meadows Water Authority (TMWA) requesting a joint meeting on May 4th from 6:00 to 8:00 p.m.

Katy Singlaub, County Manager, stated she was not able to be there on May 4th and another day was being looked at because she was aware there were some folks that hoped she would be in attendance. She said Steve Bradhurst, Water Resources Director, would have to represent staff if it was going to be held on May 4th.

Chairman Larkin explained the purpose of meeting was to be briefed by the joint technical committee of purveyors and to provide staff direction prior to the SCR 26 Subcommittee meeting. Ms. Singlaub said that meeting was scheduled for May 12th.

Commissioners Galloway and Humke stated they were available. Commissioner Weber said she had a prior commitment, but would make it work if everyone else could make it.

Chairman Larkin said he would like to confirm the meeting for May 4th. In response to Commissioner Sferrazza, he said the meeting would probably be held at the Reno-Sparks Convention and Visitors Authority and would include representatives from the South Truckee Meadows General Improvement District, TMWA, Sun Valley General Improvement District, and the Department of Water Resources.

Chairman Larkin discussed a letter from Mr. Bradhurst to John Schroeder regarding a letter Mr. Schroeder sent to Senator Mark Amodei. He commented it was time for all members of the Nevada Water Administration and Management Coalition to come forward with any and all concerns at the May 4th meeting so the issues could be solved within the next two to three months.

Commissioner Sferrazza requested getting approval from this body to support an amendment to Public Employees' Retirement System (PERS) Legislation regarding how PERS was calculated for County elected officials. Ms. Singlaub said Commissioner Sferrazza should send his request to her and she would forward it to John Slaughter, Management Services Director, to prepare the information for Board review.

In response to Commissioner Galloway, Ms. Singlaub stated she was not aware of any State Legislative role in a lands bill for Washoe County.

REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Humke said he met with Ellen Oppenheim, the new director of the Reno-Sparks Convention & Visitors Authority. She indicated she would be here on and off until her start date of April 21, 2006 because she working on budget issues with the interim director.

In response to Commissioner Weber, Chairman Larkin confirmed there would be a special budget update on Monday, May 1, 2006 at 11:00 a.m. in Chambers.

Commissioner Weber said she attended, along with Commissioner Sferrazza, the NACO Board meeting on Friday, March 31, 2006. She indicated she was preparing a report on the meeting to the Commissioners. She commented on the North Valley Regional Sports Complex's Health, Fitness and Fun Fair held last Saturday. She reminded the public of her upcoming "Coffee with Your Commissioner," which was

being held at the North Valley Regional Sports Complex on Saturday, April 15th at 10:00 a.m.

Chairman Larkin reported on his attendance at the Federal Emergency Management Administration's (FEMA) training session in Maryland. He said 70 emergency management personnel from the area, including the County Manager, were sequestered for a week to learn all of emergency management's roles. He commented that the FEMA staff and trainers regarded the area's emergency management personnel as being very well prepared and one of the best operations in the nation. He said the policy group, which was composed of the areas elected officials, needed to work on defining its role. He said the policy group had a very critical role in developing the Emergency Policy Statement, which this region had not yet done. He said their trainer believed the worst time to make policy was during an emergency, and he commented on what still needed to be achieved.

Commissioner Galloway reaffirmed he had monthly meetings with the public rather than holding Town Hall meetings. He said he was impressed with Commissioner Sferrazza's ads, and he wanted to advertise to publicize his monthly meetings. He discussed the money set aside by the federal government from selling lands in Southern Nevada and the alternative he offered to buying land in the State. The alternative would make an endowment to fund a reduction in fire hazards in the urban wildland interface, which would do a lot of good. He said, if Northern Nevada ever got its own lands bill, it could contribute to the common pot.

Commissioner Sferrazza commented on attending the NACO meeting, the Sun Valley Citizens Advisory Board, and the Neighborhood Advisory Board along with Commissioner Weber. He thanked staff for helping him have a successful Town Hall meeting in Chambers even though it was torn up, and he thanked the public for their attendance.

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There being no further business to come before the Board, the meeting adjourned at 9:43 p.m.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Jill Shelton and Jan Frazzetta, Deputy County Clerks*