

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

MARCH 11, 2003

PRESENT:

Jim Galloway, Commissioner
Pete Sferrazza, Commissioner
Bonnie Weber, Commissioner

Amy Harvey, County Clerk
Nancy Parent, Chief Deputy Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Assistant District Attorney

ABSENT:

David Humke, Chairman
Jim Shaw, Vice Chairman

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:

03-232 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that the agenda for the March 11, 2003 meeting be approved with the addition of the selection of a Chair.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Commissioner Weber was elected as Acting Chair for the meeting.

PUBLIC COMMENTS

Gilbert Cortez, Sun Valley resident and business owner, listed several complaints and allegations of wrongdoing against his landlord and advised that he would be going to several agencies to get the situation resolved.

Garth Elliott, member of the Sun Valley Citizen Advisory Board (CAB), suggested the Commission should use the CAB's more to resolve neighborhood issues, such as kennel permits and noise complaints. He further stated the CAB's and citizens should be utilized more on the noise and sign ordinances rather than high-priced consultants.

Juan Aldana of Sparks stated he supported Mr. Cortez.

Patricia Axelrod, agent of the Desert Storm Think Tank and Veterans' Advocate, urged the Board to place on an agenda and adopt an anti-war resolution, parts of which she read into the record. Reno residents Micki Lewis, Darin Bue, Alexis Amos, Carol Perry, Bob Tregilus, Patrick Betson and Virginia Cain, urged the Board to adopt Ms. Axelrod's anti-war, or peace, resolution.

Eddie Anderson, Reno resident, spoke and indicated he was very upset that the previous speakers berated President George W. Bush.

Jeannie Fow, Red Rock Estates and North Valleys CAB, addressed the Board concerning the Sugarloaf power transmission line Sierra Pacific Power Company is planning from Tracy to Stead and its impacts on Red Rock Estates.

Gary Schmidt, Washoe County resident and business owner, stated sometimes war is necessary to have a chance at peace. He also stated that State law requires that County Board of Equalization (BOEQ) decisions must be by a majority vote of the entire Board, and there were several instances during the BOEQ meetings when there were only three members present. He explained that he appealed four properties and was not able to get a majority decision, which in effect denied him his due process right of having a fair and equitable hearing. He suggested that alternates should be appointed to the County BOEQ.

Robert Cameron, Washoe County resident, discussed the signs on the Mt. Rose Highway, noting the road is supposed to be a scenic corridor. He stated signs do not belong on a scenic corridor.

Sam Dehne, Reno resident, criticized Secretary of State Dean Heller. He then played his guitar and sang a self-composed song about taxes.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Galloway requested an informational briefing from staff concerning the rules of Washoe County, Reno and Sparks on signage, banners, inflatable beer bottles and various other forms of advertising on a scenic highway.

Commissioner Sferrazza asked that the County Manager check into Mr. Cortez' complaint and provide him and the Board members with a written response. He also asked that staff check into the Sierra Pacific Power Company transmission line and report back to the Board.

With regard to the anti-war resolution, Commissioner Sferrazza stated he was very disappointed with the personal attacks people levied against Presidents Bush and Clinton. He said he does support the right of people to protest and petition their government, but he cannot support the resolution as written.

**03-233 APPEARANCE – GARY SCHIFF, DISTRICT RANGER – CARSON
RANGER DISTRICT – PRESENTATION TO BILL WHITNEY**

Gary Schiff, District Ranger, Humboldt-Toiyabe National Forest, recognized Washoe County Senior Planner Bill Whitney for his work in addressing public and resource concerns on the Peavine Mountain Roads and Recreation Strategy and presented an award expressing the Forest Service's appreciation to Mr. Whitney.

Mr. Whitney stated it is a pleasure working with the Forest Service and expressed his appreciation for the award.

**03-234 ACCEPTANCE OF DONATION – MOVIE PASSES – RON
RANDOLPH-WALL – DARE PROGRAM – SHERIFF**

Commander Jim Musak, Incline Village Sheriff's Office, introduced Mr. Ron Randolph-Wall, the CEO of Hollywood Movie Magic in Incline Village. Commander Musak stated Mr. Randolph-Wall has been very generous to the children donating movie passes and closing theaters so the DARE graduates could attend free movies.

Mr. Randolph-Wall stated he is grateful there are so many people spending a great deal of effort in supporting children and drug awareness, and he is very happy to be able to contribute to the effort. Acting Chair Weber thanked Mr. Randolph-Wall.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that the donation of approximately \$13,000 in movie passes and theater rentals to the Washoe County Sheriff's Office DARE Programs in Incline Village and the unincorporated areas of Washoe County be accepted. Commissioners Sferrazza and Galloway also expressed their appreciation to Mr. Randolph-Wall for his generous donation.

03-235 SEXUAL ASSAULT – MEDICAL CARE – PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for 80 sexual assault victims in an amount totaling \$12,174.76 as set forth in a memorandum from Lidia Osmetti, Office Manager, District Attorney's Office, dated February 21, 2003 and placed on file with the Clerk.

03-236 **ACCEPTANCE OF FINANCIAL REPORT – SIX MONTHS
ENDED DECEMBER 31, 2002 – COMPTROLLER**

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that the Financial Report for Washoe County for the Six Months Ended December 31, 2002 (Unaudited) be accepted.

03-237 **ACCEPTANCE OF DONATION – ROBERT Z. HAWKINS
FOUNDATION – SHERIFF**

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that a donation of \$3,800 from the Robert Z. Hawkins Foundation, which will be used to pay for computerized child identification system to be utilized at special events, safety presentations, and other events children attend, be accepted with the Board's gratitude. It was further ordered that the Comptroller be directed to make the following budget adjustments:

Increase Revenues:	15266D-5802	\$3,800
Increase Expenditures:	15266D-7205	\$3,800

03-238 **ACCEPTANCE OF DONATION – BANK OF AMERICA – PUBLIC
ADMINISTRATOR**

Upon recommendation of Donald Cavallo, Public Administrator, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that a donation of \$25,000 from the Bank of America to the Public Administrator's Office for purchase of CompuTrust software for case and financial management of client funds be accepted with the Board's gratitude. It was further ordered that the Comptroller be directed to make the following account changes:

Increase:	Account 1591D-5802, Donations	\$25,000
	Account 1591D-7236, Computer Software	\$25,000

It was noted a sole source justification for purchase of the software was completed.

03-239 **ACCEPTANCE OF DONATIONS – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Director, Department of Social Services, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza,

which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that the following cash donations, to be used for miscellaneous needs for the children in care at the Kids Kottage emergency shelters and families who are clients of the Department of Social Services, be accepted with the Board's gratitude:

Cash Donations

\$500	Presbyterian Women	\$ 15	Molly Paulsen
\$165	Nancy Fnell, Anne LaVoy & Pamela Molini	\$ 25	Julia Thomas
		\$ 25	Steven Gembacher
\$275	UDS	\$ 50	Judy McGuire
\$ 25	Fay Sullivan	\$ 20	Susan Gray
\$100	Mr. & Mrs. Ronald Harger	\$ 15	Deborah Cloud
\$400	Reno Kiwanis Community Foundation	\$ 50	Thomas Senn
		\$100	Ann Bendel
\$150	Jane Hennessy	\$100	Elizabeth McDonough
\$ 50	Jean Rothstein	\$ 30	Stephen Field
\$ 25	Peter Rothstein	\$ 20	Susan Bums
\$ 25	Margaret Hebig	\$ 25	Michelle Hensley
\$100	Mary Coulter	\$ 25	Jocelyn Bessette-Gorlin
\$200	Steve Nelson & Peter Vitale	\$ 25	Carrie Camillo
\$300	Willa Mae Brassard	\$ 50	Barbara Rippon
\$100	Linda Madsen	\$ 25	Joan Rataczak
\$ 25	Mary Hooke	\$ 30	Victoria Dimian
\$ 25	Stephen Ainsworth	\$ 50	Julie Abdo
\$ 50	Sarah Pflaster	\$648	A and H Insurance, Inc.
\$ 50	Susan Purdie	\$259	Miscellaneous cash donation
\$100	Kira Obolensky		

It was further ordered that the Comptroller be directed to make the following account changes:

Increase Revenue Account:
028-2800-2805-28051D-5802 (General Donations) \$4,582

Increase Expenditure Account:
028-2800-2805-28051D-7205 (Minor Furniture & Equipment) \$4,582

03-240 ACCEPTANCE OF DONATION – MCGRAW-HILL COMPANY – JUVENILE SERVICES

Upon recommendation of Mary Ann Woolley, Juvenile Services Division Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that a donation in the amount of \$1,090 from the McGraw-

Hill Company, Research Division, to be used to purchase books, videos, and programming materials for detained juveniles, be accepted with the Board's gratitude. It was noted that juveniles at Wittenberg Hall voluntarily completed written age-appropriate testing materials for use in a standardization study, and McGraw-Hill donated \$10 to Wittenberg Hall for every test completed.

**03-241 ACCEPTANCE OF GRANT – NEVADA DEPARTMENT OF
PUBLIC SAFETY – BREATH TEST EQUIPMENT – CAPITAL
PURCHASE AUTHORIZATION – SHERIFF**

Upon recommendation of Sheriff Dennis Balaam, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that up to \$150,000 in grant monies from the Office of Traffic Safety, Nevada Department of Public Safety, be accepted. It was further ordered that the following revenue and expenditure budget adjustments be approved:

FY 02/03
Increase Revenue/Expenditure
15277G-4301 \$37,500
15277G-7825 \$37,500

FY 03/04
Increase Revenue/Expenditure
15277G-4301 \$60,000
15277G-7825 \$60,000

FY 04/05
Increase Revenue/Expenditure
15277G-4301 \$52,500
15277G-7825 \$52,500

It was also ordered that the Sheriff's Office be authorized to purchase the following capital outlay items: FY 02/03 - \$37,500 Evidential Breath Testing Equipment; FY 03/04 - \$60,000 Evidential Breath Testing Equipment; FY 04/05 - \$52,500 Evidential Breath Testing Equipment. It was noted that no County matching funds are required, but in-kind contributions totaling \$35,431.76 for vehicle maintenance, and salary, benefits and training for one Criminalist will be the Department's responsibility for this three-year grant project.

**03-242 ACCEPTANCE OF GRANT – STATE DIVISION OF CHILD AND
FAMILY SERVICES – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber

ordered that the Director of Social Services be authorized to accept \$130,339 in funds from the State Division of Child and Family Services to assist youth making the transition from foster care to economic self-sufficiency. It was further ordered that the Comptroller be directed to make the following account adjustments: Increase Revenue Account 2805G1-4302AB94 (Residential Care Grants) \$130,339; Increase Expenditure Account 28051-7620AB94 (Emergency Shelter (Residential Care)) \$130,339.

03-243 AWARD OF BID – LIBRARY SELF-SERVICE CHECKOUT SYSTEMS – BID NO. 2368-03 – LIBRARY

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the *Reno Gazette-Journal* on December 26, 2002 for Library Self-Service Checkout Systems for the Washoe County Library. Proof was made that due and legal Notice had been given.

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

Vernon Library Supplies
3M Safety and Security Systems
ID Systems
CODECO Canada Corp.

Komatsu Equipment Co. submitted a "no-bid" response; and the bid from Library Automation Technologies Inc. was received late and disqualified.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that Bid No. 2368-03 for three new Library Self-Service Checkout Systems for the Washoe County Library be awarded to 3M Safety and Security Systems in the amount of \$69,750. It was further ordered that the County's option to obtain up to five additional library Self-Service Checkout Systems from 3M through June 30, 2004, provided there is no increase in pricing, be acknowledged. It was noted that any subsequent purchases of these systems would be subject to Finance's approval.

03-244 PURCHASE REQUISITION & BUDGET AMENDMENT – FY 2002/03 – AIR QUALITY MANAGEMENT PROGRAM – HEALTH

Upon recommendation of Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that a purchase requisition in the amount of \$30,741 to the University and Community College System of Nevada to support the on-going Interlocal Agreement for air quality compliance education be approved. It was further

ordered that the following amendment to the District Health Department Fiscal Year 2002/03 Air Quality Management Program budget be approved and the following account transactions be authorized:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
002-1700-1723G1-4301	Federal Funds	\$75,554
002-1700-1723G1-7140	Other Professional Services	\$65,554
-7205	Minor Furniture & Equipment	\$10,000
	Total Expenditures	\$75,554

03-245 BUDGET AMENDMENT – FY 2002/03 – HIV SURVEILLANCE PROGRAM – HEALTH

Upon recommendation of Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that an amendment to the District Health Department Fiscal Year 2002/03 HIV Surveillance Program budget in the amount of \$7,400 in federal funds be approved and the following account transactions be authorized:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/ (DECREASE)
002-1700-1712G1-4301	Federal Funds	(\$ 7,400.00)
002-1700-1712G1-7001	Salaries	\$ 25,263.00
-7002	Part Time/Temporary	(\$27,430.00)
-7004	Incentive	(\$ 211.00)
-7042	Group Insurance	(\$ 2,740.00)
-7043	Dependent Insurance	(\$ 952.00)
-7048	Retirement	(\$ 1,915.00)
-7050	Medicare	(\$ 148.00)
-72051	Personal Computers	\$ 2,500.00
-7250	Office Supplies	\$ 1,798.00
-7403	Biologicals	(\$ 5,966.00)
-7620	Travel	(\$ 2,000.00)
-7825	Special Equipment	\$ 4,401.00
	Total Expenditures	(\$ 7,400.00)

03-246 BUDGET AMENDMENT – FY 2002/03 – IMMUNIZATION OPERATIONS AND VACCINES FOR CHILDREN (VFC) PROGRAM – HEALTH

Upon recommendation of Eileen Coulombe, Administrative Health Services Officer, on motion by Commissioner Galloway, seconded by Commissioner

Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that amendments to the District Health Department Fiscal Year 2002/03 Immunization Operations (1735G1) and Vaccines For Children (1735G3) Programs budgets be approved and the following account transactions be authorized:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE/(DECREASE)
002-1700-1735G1-4301	Federal Funds	(\$25,132.00)
002-1700-1735G1-7001	Salaries	(\$16,227.00)
-70021	Pooled Positions	(\$10,371.00)
-7048	Retirement	(\$ 3,043.00)
-7050	Medicare	(\$ 235.00)
-7108	MD Consultants	(\$ 785.00)
-7140	Other Professional Services	\$17,514.00
-7205	Minor Furniture & Equipment	\$ 500.00
-72051	Personal Computers	(\$ 274.00)
-72052	Printers	(\$ 513.00)
-7245	High Risk Supplies	(\$ 500.00)
-7247	Medical Supplies	(\$ 3,819.00)
-7250	Office Supplies	(\$ 1,250.00)
-7261	Postage	(\$ 352.00)
-7304	Advertising	(\$ 1,500.00)
-7307	Mileage	(\$ 400.00)
-7322	Copy Machine	(\$ 1,250.00)
-7357	Printing	(\$ 1,300.00)
-7364	Registration	(\$ 106.00)
-7367	Rental - Equipment	(\$ 500.00)
-7375	Special Awards	\$ 250.00
-7382	Telephone	(\$ 971.00)
	Total Expenditures	(\$25,132.00)
002-1700-1735G3-4301	Federal Funds	\$19,756.00
002-1700-1735G3-7001	Salaries	\$ 2,695.00
-7048	Retirement	\$ 505.00
-7050	Medicare	\$ 40.00
-7108	MD Consultant	(\$ 6,584.00)
-7140	Other Professional Services	\$11,600.00
-7230	Educational Materials	\$ 2,000.00
-7247	Medical Supplies	\$ 9,500.00
	Total Expenditures	\$19,756.00

03-247 INTERLOCAL AGREEMENT – CITY OF RENO – COST SHARING – SENIOR NEEDS ASSESSMENT

Upon recommendation of Despina Hatton, Acting Director, Washoe County Senior Services, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that an Interlocal Agreement between Washoe County and the City of Reno, concerning sharing in the cost and information of a community-wide assessment of Senior Citizens' needs (Senior Needs Assessment), be approved and Acting Chair Weber be authorized to execute the same.

03-248 QUITCLAIM DEEDS – SEWER EASEMENTS – MONTREUX DEVELOPMENT GROUP LLC – WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that three quitclaim deeds between Washoe County (grantor) and Montreux Development Group LLC and Montreux Golf Club Ltd (grantee) for sewer easements within the Montreux Subdivision be approved; Acting Chair Weber be authorized to execute the same; and the Utility Services Division Manager be directed to record the documents with the County Recorder.

03-249 AFFIDAVIT 12 OF WAIVER AND CONSENT – SPECIAL ASSESSMENT DISTRICT NO. 21 – PEAVINE VIEW ESTATES UNIT 8 – UTILITY DIVISION

Upon recommendation of John Collins, Manager, Utility Services Division, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that Affidavit 12 of Waiver and Consent as an Apportionment Report to redistribute the Special Assessment District No. 21 (SAD 21) assessments for Peavine View Estates Unit 8 be accepted; Acting Chair Weber be authorized to execute the same; and the Utility Services Division Manager be directed to record the Affidavit with the County Recorder.

03-250 CANCELLATION AGREEMENTS – TRUCKEE MEADOWS WATER AUTHORITY – WATER SALE AGREEMENTS – UTILITY DIVISION

Upon recommendation of John Collins, Manager, Utility Services Division, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that two Cancellation Agreements between the County of Washoe and Truckee Meadows Water

Authority, concerning 30.806 acre-feet of surface water previously dedicated to Washoe County for future use at Long Drive Golf Course (project terminated) and Bishop Manogue High School in South Truckee Meadows be approved; Acting Chair Weber be authorized to execute the same; and the Utility Services Division Manager be directed to record the Cancellation Agreements with the County Recorder.

03-251 WATER SALE AGREEMENT – TRUCKEE MEADOWS WATER AUTHORITY – WATER RESOURCES

Upon recommendation of John Collins, Manager, Utility Services Division, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that the Water Sale Agreement between the County of Washoe and Truckee Meadows Water Authority, concerning 10.85 acre-feet of surface water for Bishop Manogue High School in the South Truckee Meadows be approved; Acting Chair Weber be authorized to execute the same; and the Utility Services Division Manager be directed to record the Water Sale Agreement with the County Recorder.

03-252 WATER SERVICE CONTRIBUTION AGREEMENT – LEWIS LAND COMPANY OF NEVADA, LLC – WATER RESOURCES

Upon recommendation of Paul Orphan, Engineering Manager, Department of Water Resources, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that the Water Service Contribution Agreement between the County of Washoe and Lewis Land Company of Nevada, LLC, concerning the Department of Water Resources providing retail water service to the Curti Ranch II development through the use of wholesale water, be approved and Acting Chair Weber be authorized to execute the same. It was noted the Agreement would increase revenues to the Washoe County Department of Water Resources and there would be an associated cost of operation and maintenance to serve the new customers.

03-253 TEMPORARY WATER SERVICE AGREEMENT – TRUCKEE MEADOWS WATER AUTHORITY – SOUTHWEST TRUCKEE MEADOWS – WATER RESOURCES

Upon recommendation of Paul Orphan, Engineering Manager, Department of Water Resources, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that the Temporary Water Service Agreement between the County of Washoe and Truckee Meadows Water Authority, concerning providing temporary wholesale water service to Washoe County in the Southwest Truckee Meadows be approved and Acting Chair Weber be authorized to execute the same. It was noted the Agreement would increase the

revenues to the Washoe County Department of Water Resources and there would be an associated cost of operation and maintenance to serve the new customers.

03-254 TEMPORARY WATER SERVICE AGREEMENT – TRUCKEE MEADOWS WATER AUTHORITY – TIERRA DEL SOL DEVELOPMENT – WATER RESOURCES

Upon recommendation of Paul Orphan, Engineering Manager, Department of Water Resources, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that the Temporary Water Service Agreement between the County of Washoe and Truckee Meadows Water Authority, concerning providing temporary wholesale water service to the Tierra del Sol Development in Sparks, be approved and Acting Chair Weber be authorized to execute the same. It was noted the Agreement would increase revenues to the Washoe County Department of Water Resources and there would be an associated cost of operation and maintenance to serve the new customers.

03-255 JOINT FUNDING AGREEMENT – U.S. GEOLOGICAL SURVEY – RENO-SPARKS FLOOD EARLY WARNING SYSTEM – WATER RESOURCES

Upon recommendation of Jeanne Ruefer, Manager, Water Resources Planning Division, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that the Joint Funding Agreement between the County of Washoe and U.S. Geological Survey, concerning operation and maintenance of stream and precipitation gages that support the Reno-Sparks Flood Early Warning System, be approved and Acting Chair Weber be authorized to execute the same. It was noted the cost to Washoe County from Water Management Funds would be \$62,450.

03-256 CORRECTION OF FACTUAL ERRORS – ASSESSOR

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that the following Roll Change Requests correcting factual errors on tax bills and the Order directing the County Treasurer to correct the error be approved and Acting Chair Weber be authorized to execute the same.

NAME	APN #	AMOUNT	ROLL
Michael L. Likes	039-147-02	[-\$215.74]	2000 Secured
Michael L. Likes	039-147-02	[-\$251.13]	2001 Secured
Michael L. Likes	039-147-02	[-\$255.78]	2002 Secured
Mary Ferguson	122-128-07	[-\$1,912.02]	2001 Secured

Mary Ferguson	122-128-07	[-\$1,988.96]	2002 Secured
George I. & Barbara J. Pinjuv	200-350-18	[-\$60.44]	2000 Secured
George I. & Barbara J. Pinjuv	200-350-18	[-\$61.64]	2001 Secured
George I. & Barbara J. Pinjuv	200-350-18	[-\$63.44]	2002 Secured
Peggy A. Mills Tr.	200-350-19	[-\$60.44]	2000 Secured
Peggy A. Mills Tr.	200-350-19	[-\$61.64]	2001 Secured
Peggy A. Mills Tr.	200-350-19	[-\$63.44]	2002 Secured
Nicole M. Archambault et al.	200-350-30	[-\$60.44]	2000 Secured
Nicole M. Archambault et al.	200-350-30	[-\$61.64]	2001 Secured
Nicole M. Archambault et al.	200-350-30	[-\$63.44]	2002 Secured
John J. O'Leary	200-350-36	[-\$60.44]	2000 Secured
John J. O'Leary	200-350-36	[-\$61.64]	2001 Secured
John J. O'Leary	200-350-36	[-\$63.44]	2002 Secured
Gregory K. & Kathleen J. Koepf	514-334-05	[-\$74.43]	2001 Supplemental {Improvements Only}
Gregory K. & Kathleen J. Koepf	514-334-05	[-\$84.15]	2002 Secured
Karen T. Alford	520-101-05	[-\$116.47]	2001 Supplemental {Improvements Only}
Karen T. Alford	520-101-05	[-\$127.45]	2002 Secured

03-257 APPOINTMENT – NEVADAWORKS BOARD

Tom Fitzgerald, Chief Executive Officer, NevadaWorks, explained NevadaWorks was formed as part of the Workforce Investment act of 1998 and is the Workforce Investment Board for Northern Nevada. He said each County has one County Commissioner representative assigned to the Board, and Joanne Bond was the previous Washoe County representative. He stated part of the monies funded from the Federal Government and programs involve youth, adults, and dislocated workers. Mr. Fitzgerald said Commissioner Shaw's education background would make him a good representative. He also said education is an area NevadaWorks desires to have fully covered, particularly from County Commissioners. In response to Commissioner Galloway, Mr. Fitzgerald explained the Board receives Federal funds from the Department of Labor, and there are several categories of how that funding can be spent, but it all pertains to making the workforce better qualified to match 21st Century competition. In response to Commissioner Sferrazza, Mr. Fitzgerald stated the Southern Nevada Workforce Investment Board covers Clark, Esmeralda, Lincoln and Nye Counties, and the remaining 13 Counties are covered by the NevadaWorks Board.

Commissioner Sferrazza said he was concerned about the way the request for this appointment happened, because normally all Commissioners would be given an opportunity to submit their name to serve on the Board, and that did not happen. Katy Singlaub, County Manager, explained that staff prepared the request from NevadaWorks to appoint Commissioner Shaw. Commissioner Sferrazza stated he did not feel the NevadaWorks Board should select its members. In response to Commissioner Sferrazza, Mr. Fitzgerald said due to elections, there were six openings on the NevadaWorks Board. He further said he talked with the newly elected County officials for each County at the

Nevada Association of Counties meeting last fall, explained to them one of their assignments would be NevadaWorks, and Commissioner Shaw indicated he would be interested. Commissioners Galloway and Sferrazza stated they disagreed with the handling of this appointment.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that Commissioner Shaw be appointed to the NevadaWorks Board as the local elected official representative from Washoe County, with a term to expire the first Monday in January 2005. It was further ordered that staff be directed not to name a specific Commissioner when these types of items are placed on agendas, but it may be noted that a Commissioner has volunteered.

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**THE BOARD CONVENED AS THE BOARD OF FIRE COMMISSIONERS,
SIERRA FOREST FIRE PROTECTION DISTRICT, AND WHEN THEY
RE-CONVENED AS THE BOARD OF COUNTY COMMISSIONERS,
THEY DID NOT HAVE A QUORUM, AS COMMISSIONER SFERRAZZA HAD
TEMPORARILY LEFT THE MEETING.**

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03-258 APPEARANCE – GROUNDWATER TASK FORCE

Bob Firth, Chairman, Groundwater Task Force, appeared.

Following the update on the Toilet Retrofit Program (item No. 03-259), a quorum was present, and the following motion was made:

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that the appearance and progress report on activities of the Groundwater Task Force by Bob Firth, Chairman, Groundwater Task Force, be moved to the March 25, 2003 agenda.

**03-259 UPDATE – TOILET RETROFIT PROGRAM – WATER
RESOURCES**

Jim Smitherman, Water Management Planner Coordinator, Department of Water Resources, appeared and provided an update concerning the Toilet Retrofit Program.

4:10 p.m. Commissioner Sferrazza returned to the meeting and there was a quorum.

In response to Commissioner Sferrazza, Mr. Smitherman stated option B of the proposal would provide a small selection of toilets to choose from and include installation. Katy Singlaub, County Manager, said Water Resources would return to the Board in April with an action item for this Program.

Sam Dehne, Reno resident, complimented the program.

03-260 PROCLAMATION – SALUTE THE SENIORS WEEK

Nancy Parent, Chief Deputy County Clerk, read the Proclamation declaring May 4-10, 2003 as Salute the Seniors Week.

Don Kintner appeared on behalf of the Rotary Club of Reno. He said the Rotary Club feels strongly about this project because senior citizens are the treasure of the community. He thanked the Board for designating May 4-10 as Salute the Seniors Week.

PROCLAMATION

WHEREAS, The Senior Citizens of Washoe County are an important asset to our community as they set the tone of our existence with their calm attitude of love and compassion; and

WHEREAS, The Senior Citizens of Washoe County have great experience, wisdom and judgment to share. They have lived through, and many have participated in, the First and Second World Wars, Korean and Vietnam Wars, Desert Storm, the Cold War and a variety of other terrifying incidents of personal danger; and

WHEREAS, The Senior Citizens of Washoe County have watched or participated in the development of the automobile, airplane, radio, television, space program, computer, numerous medical advancements, political changes and recessions, as well as opposing the moral decline; and

WHEREAS, The Senior Citizens of Washoe County have personally sacrificed their time, talents and their financial treasure in support of numerous programs for our youth and the building of our beautiful cities, with their lovely churches and schools, as well as giving birth to and raising wonderful families who have been a benefit to our community; and

WHEREAS, Be it known to all Senior Citizens of Washoe County that they are appreciated for their contributions to the wonderful lifestyle enjoyed in Washoe County and that we wish to express our love, compassion and patience to them as they endure an increase of painful health problems, decreasing sight, hearing and locomotion; now, therefore, be it

PROCLAIMED, That the Washoe County Board of Commissioners hereby support the program to "Salute the Seniors" as organized and sponsored by the Rotary Club of Reno, and that May 4-10, 2003 is hereby proclaimed as **SALUTE THE SENIORS WEEK**.

03-261A KENNEL PERMIT APPEAL – DEANNA ZECH

Katie Stevens, Animal Control Supervisor, reviewed background information, the revised plot plan submitted by Deanna Zech, complaints received, and citations issued concerning the dogs at 6155 Chimney in Sun Valley.

Commissioner Galloway asked if the applicant would like to proceed because there were only three Commissioners present and informed her approval would require a unanimous vote. Madelyn Shipman, Assistant District Attorney, said State law requires a majority of the full Board to take affirmative action on any matter. She advised, if the Board decided to continue the item, public comment should be limited to whether or not it should be continued.

Commissioner Sferrazza made a motion to continue the item to the earliest meeting at which there is a full Board and Commissioner Galloway seconded the motion.

Deanna Zech, applicant, stated she would like a continuance to the next meeting if there is not a unanimous vote. She said she would like to go forward today and not drag this out for months, and she would like to hear what people have to say today.

Gayle Reynolds, affected neighbor, said she would not want a vote today if it would be unfair to Ms. Zech and she would support a continuance. She also said she would like Commissioner Shaw present.

Garth Elliott, 30 year Sun Valley resident, said he does not see any value in a continuance as long as Ms. Zech is not adversely affected.

Commissioner Sferrazza withdrew his motion for a continuance.

Ms. Zech submitted and discussed plans, which were placed on file with the County Clerk. She said the dogs wear bark collars. She stated she did not feel it was fair to leash the dogs when they are in the backyard and with people because her entire yard is fenced with a six foot fence. She also said one neighbor harassed the dogs through his fence, and that would no longer happen with the proposed plan because he would not have access to the dogs.

Commissioner Galloway asked in which yard, the inner yard that Ms. Zech is proposing to fence with a solid fence, or the outer yard that has a transparent six foot chain link fence, would the dogs run free without a leash. Ms. Zech stated the property line fence is a six foot chain fence. When she is home, the dogs would be able to run in the backyard with her; and, if she were not out there, the dogs would not be in

the backyard. Commissioner Galloway confirmed Ms. Zech's proposal that the dogs would not run free if there was not a person out with them.

Ms. Zech explained to Commissioner Sferrazza that there was a complaint from a neighbor prior to the dogs wearing bark collars. In response to Commissioner Galloway, Ms. Zech said she felt it was excessive to require the dogs to wear bark collars. She stated the bark collars do not allow them to be dogs and bark when necessary, such as when they hear something in the driveway.

Ms. Reynolds stated she is opposed to the kennel. She said she and her husband called Animal Control after the Board's previous decision to continue the matter because they did not feel the Board was listening to their concerns. She further stated they do not want more than three dogs, additional flies and the odor.

Mr. Elliott said Ms. Zech is doing more to house her dogs than the Board required from a man who wanted six Siberian Tigers. He said one neighbor would have four fences between himself and the dogs. Mr. Elliott said he lives two houses away, there is a problem with odor and flies, and Ms. Zech has addressed those issues. He further stated he feels Ms. Zech has done everything asked of her and more. Mr. Elliott said he felt this could have been handled at the Citizen Advisory Board level.

Sam Dehne, Reno resident, said legally the Zech's could have three dogs on their property. He stated he does not like barking dogs, but it is worse when the owner ignores the barking. He further said from what he has heard, they should be allowed to house two extra dogs.

Gary Schmidt, 32 year resident, property owner and business operator in Washoe County, said in Washoe County, regardless of the size of a parcel, more than three dogs in a home without a kennel permit violates the law and that is absurd and unreasonable. He stated it is not fitting for a rural lifestyle community. Mr. Schmidt also stated the number of dogs allowed should be in relation to the size of the parcel. He said in his neighborhood, children make more noise and bite more people than the dogs do; and, if the number of dogs on one parcel is going to be limited, the same limit should be placed on the number of children in a household. He further said perhaps children could be fitted with scream collars. He said it appears a great effort has been made to mitigate the problems, and at a minimum, a trial kennel permit would be appropriate. He stated even one dog barking excessively is a problem, but dogs are supposed to bark sometimes.

Commissioner Galloway stated he has never seen anybody willing to go as far as Ms. Zech by reducing the number of dogs applied for; building a yard within a yard by putting up a fence the dogs could not see through which is 35 feet from any neighbors' fence; building kennels within that fence; agreeing the dogs must be accompanied by an owner to be in the inner yard so the dogs could be under command; not asking to be exempted from any code provisions; and taking additional measures, such as bark collars, to control the barking. He said he felt the best way to reduce friction between the

neighbors, over time, would be to approve the kennel permit, as it is a reasonable solution.

Acting Chair Weber said the last time this matter was before them, she was not in favor of it, but she appreciates all the work Ms. Zech has done. She stated Ms. Zech went above and beyond what was asked of her and she would be supportive of the kennel.

Commissioner Sferrazza said he would vote against the kennel permit because it would be turning residential property into commercial use.

In response to Commissioner Galloway, Ms. Stevens stated Ms. Zech would probably need to get a business license if she were to sell puppies. Ms. Zech said she would not be running a business, and the three dogs she currently has are personal pets. She stated they occasionally have puppies, but not routinely. She also said the other two kennels would be used for rescue dogs for the purpose of socializing to determine if they would go to homes or be put to sleep. She advised they need the space in order to take in the dogs to place them. Ms. Zech stated she did research the business license issue and it is not required.

Commissioner Galloway moved to continue the matter and Acting Chair Weber seconded the motion. The motion failed 2 to 1, with Commissioner Sferrazza voting "no," because he offered the same motion previously.

Acting Chair Weber explained issuing a kennel permit sets in place requirements that otherwise would not be there. Commissioner Sferrazza stated he always supports the neighbors if they are opposed.

Commissioner Galloway moved for approval of the kennel permit appeal, subject to the additional condition if the dogs are outside of the inner yard, they must be accompanied by one of the owners. The motion was seconded by Acting Chair Weber. On call for the question, the motion failed 2 to 1, with Commissioner Sferrazza voting "no."

Commissioner Galloway requested possible reconsideration of the kennel permit and suspension of the rules be agendized for March 25, 2003. Legal Counsel Shipman advised as long as noticing is done, the motion to reconsider and reconsideration could both be on the same agenda, however, if the Board did not adopt the motion to reconsider, the noticing would be wasted.

03-261B **LAND ACQUISITION & EARLY PROJECT IMPLEMENTATION**
PLAN – TRUCKEE RIVER FLOOD PROJECT – WATER
RESOURCES

Paul Urban, Flood Control Manager, Water Resources, said the Truckee River Flood Management Community Coalition spent the last few years producing a

community acceptable flood control project. He stated the project scoping process identified a number of acceptable project elements, which have been screened down to three alternatives being studied by the Corps of Engineers for their feasibility and environmental impact. He further said, because there is still a long way to go in the Federal process, the Working Group was concerned due to the history of these types of projects in other places. Mr. Urban said they specifically looked at Napa because they are a few years ahead in this same process, and the experience has been that costs escalate the closer it gets to actual construction, especially for land acquisition. He stated Congressional funding would probably not occur until 2005 and things could happen concerning existing land use. He also said there are a number of parcels that fall within the alternatives being considered that would be good to have in public ownership, and the Working Group thought a beneficial program would be to purchase land before actual Congressional authorization for the project. Mr. Urban reviewed the staff report dated February 27, 2003, which was placed on file with the County Clerk. He stated the list of parcels is not a list that must be purchased for the flood project, but a preliminary list of projects that have been identified by the Working Group that may need to be acquired and prioritized according to guidelines in the Plan.

Commissioner Galloway stated he thinks there are items that should be on the list. In response to Commissioner Galloway, Mr. Urban said the first actions would be taking a look at evaluating the four highlighted parcels, and Commissioner Galloway stated he was leery about proceeding immediately on those parcels because he does not think the list is complete. Katy Singlaub, County Manager, stated the list would be considerably added to over time. Commissioner Galloway said "property acquisition or early implementation must be approved in advance by the County Commission on a case by case basis" should be part of the policy. Mr. Urban stated the Working Group is attempting to develop a process to identify parcels to bring to the Board, and he anticipated that would mean going through the appraisal processes and getting an idea of what the negotiated price would be. Commissioner Galloway said the Board would need to give permission to proceed with negotiations because that would be the beginning of an acquisition. Ms. Singlaub summarized the Board direction to separate the list from the policy and bring the list back to the Board with groups of parcels to prioritize that staff could begin to get appraised.

Commissioner Galloway stated wherever it says "land," he would like it to say "real property."

Marilyn Brainard, Truckee River Flood Management Community Coalition, did not approach the podium, but indicated from the audience she agreed with Commissioner Galloway's suggestions and she is in favor of the Plan.

Upon recommendation of Mr. Urban and Jeanne Ruefer, Manager, Water Resources Planning Division, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that the Land Acquisition and Early Project Implementation

Plan be approved, without the Flood Project Initial Land Purchase Plan list, and staff be directed to implement the Plan immediately. It was noted the Board would ultimately make the land purchase decisions regardless of the recommendations.

03-261C WATER RIGHTS APPLICATION 69371 – SIERRA PACIFIC POWER COMPANY – WATER RESOURCES

This was the time to consider Water Rights Application No. 69371 filed at the office of the State Engineer by Sierra Pacific Power Company. The Notice of Public Meeting was published in the *Reno Gazette-Journal* on February 21, 28, and March 7, 2003. Proof was made that due and legal Notice had been given.

Upon recommendation of John Collins, Manager, Utility Services Division, through Steve Bradhurst, Director, Department of Water Resources, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that Acting Chair Weber be authorized to formally recommend approval of Water Rights Application No. 69371 to the Nevada State Engineer.

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On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that public comments be re-opened for the purpose of reading a comment card into the record.

Acting Chair Weber read into the record a comment from Taylor Mirich urging the Board to adopt the Anti-War Resolution authored by Patricia Axelrod.

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5:30 p.m. The Board took a brief recess.

5:40 p.m. The Board reconvened.

Commissioner Galloway suggested that, because only three Commissioners were present today, any controversial items should be continued. Katy Singlaub, County Manager, said a law passed in the 2001 legislative session stated all items of business before the Commissioners must be acted upon by a majority of the entire Board, which means all three Commissioners present today must vote in favor of an item for it to pass.

03-262 AWARD OF BID – SECURITY GUARD SERVICES – BID NO. 2373-03 – PURCHASING/FACILITY MANAGEMENT DIVISION

Commissioner Sferrazza stated that he is opposed to this item.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that this item be continued.

03-263 AWARD OF BID – PWP-WA-2003-085 – WASHOE COUNTY JAIL UNIT SIX SECURITY IMPROVEMENTS – PUBLIC WORKS

This was the time to consider award of a bid for the Washoe County Jail Unit Six Security Improvements on behalf of the Public Works Department. A Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on January 31, and February 5, 6, and 7, 2003 Proof was made that due and legal Notice had been given.

The following bids were received:

Contractor	Base Bid Plus Alternate No. 1
Building Solutions	\$282,101.00
Gill Construction	\$291,067.00

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that Bid No. PWP-WA-2003-085 for the Washoe County Jail Unit Six Security Improvements be awarded to Building Solutions, the low, responsive, responsible bidder, in the amount of \$282,101.00 for the Base Bid plus Add Alternate No. 1 and Acting Chair Weber be authorized to execute the contract documents upon receipt.

03-264 AWARD OF BID – PWP-WA-2003-24 – DEMOLITION OF COURTHOUSE WEST – PUBLIC WORKS

This was the time to consider award of a bid for Demolition of the Courthouse West, 195 S. Sierra Street, Reno, Nevada, on behalf of the Public Works Department. A Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on February 5, 6, 12 and 13, 2003. Proof was made that due and legal Notice had been given.

The following bids were received:

Contractor	Base Bid
Iconco, Inc.	\$285,000.00
Sierra Nevada Construction	\$351,007.00
Aman Environmental	\$335,985.00
Diversified Concrete	\$347,322.00
LVI Environmental	\$322,288.00

Upon recommendation of Roger Van Alyne, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that Bid No. PWP-WA-2003-24 for the Demolition of the Courthouse West, 195 S. Sierra Street, Reno, Nevada, be awarded to Iconco, Inc., the low, responsive, responsible bidder, in the amount of \$285,000.00, and Acting Chair Weber be authorized to execute the contract documents upon receipt.

**03-265 ALLOCATION – FISCAL YEAR 2003/04 HOME FUNDS –
COMMUNITY DEVELOPMENT**

Commissioner Galloway stated he had an issue with the proposed allocation of funds to the New Opportunities For Home Ownership Program. Commissioner Sferrazza said he had a problem with allocating funds to the Vitality Center/Phoenix Houses.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that the allocation of \$133,500.00 of Washoe County's share of the FY2003/04 HOME funds to Independent Living for Seniors in Washoe County be approved.

It was further ordered that the recommendation for allocation of Washoe County's share of the FY2003/04 HOME funds to the New Opportunities for Home Ownership Program in the amount of \$262,500.00 and the Vitality Center/Phoenix Houses in the amount of \$179,479.00 be continued.

**03-266 TRUCKEE MEADOWS PROJECT LITIGATION – DISTRICT
ATTORNEY**

Upon recommendation of Madelyn Shipman, Assistant District Attorney, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that further proceedings in the Truckee Meadows Project Litigation, including but not limited to the filing of a Motion for Reconsideration and/or Appeal, be authorized.

**03-267 BILL NO. 1372 – ESTABLISHING FACILITY CONNECTIONS –
STORMWATER DRAINAGE – NORTH SPANISH SPRINGS**

Lois Avery, Spanish Springs Citizen Advisory Board (CAB), stated the Ordinance language says the detention pond facility only applies to complete build out for what is currently zoned. She said the CAB is always receiving requests for new zoning and that issue needs to be dealt with because they are not covered in this flood

plan. Legal Counsel Shipman advised the issue presented by Ms. Avery is a land use matter and would not be addressed in the Ordinance.

Bill No. 1372, entitled, "**AN ORDINANCE ESTABLISHING FACILITY CONNECTION, USER/DEBT SERVICE, AND OPERATION AND MAINTENANCE CHARGES FOR PROVISION OF STORMWATER DRAINAGE AND FLOOD CONTROL SERVICE BY WASHOE COUNTY WITHIN THE UNINCORPORATED AREA OF NORTH SPANISH SPRINGS; REQUIRING THE DEPARTMENT OF WATER RESOURCES TO SUBMIT BILLINGS TO ALL USERS; REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT. THIS ORDINANCE REPEALS ORDINANCE NO. 1090.**" was introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

03-268 PUBLIC RECORDS POLICIES AND PROCEDURES – FINANCE

Commissioner Sferrazza stated he would like this item addressed before the entire Board. Gary Schmidt, County resident, said he is not opposed to continuing this item. He provided exhibits concerning this issue for the Board's review, which were placed on file with the Clerk.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that this item be continued.

03-269 UPDATE – WASHOE COUNTY CODE DESIGNATIONS OF CONFIDENTIAL RECORDS

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that this item be continued.

03-270 APPOINTMENT – SPARKS JUSTICE OF THE PEACE

Commissioner Sferrazza suggested that each Commissioner submit a candidate for the Sparks Justice of the Peace position to be interviewed by the Board. Commissioner Galloway said he would like to avoid having a subcommittee. Acting Chair Weber advised that Commissioner Shaw suggested a subcommittee be formed to interview the applicants, and the Board would interview the top two or three candidates. Commissioner Galloway stated he and two other Commissioners are currently going through a subcommittee process, and he thinks the procedure is unnecessarily elaborate.

Following further discussion, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that, after all the applications are filed, each Commissioner submit their top candidate for interview by the

Board; and that each Commissioner, as well as County personnel and other parties deemed appropriate, be requested to submit one or two interview questions to the Manager's Office to be compiled into final interview questions.

03-271 STATUS REPORT – TRUCKEE MEADOWS REGIONAL FISCAL EQUITY STUDY

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that the Status Report concerning the Truckee Meadows Regional Fiscal Equity Study, outlined in the agenda memorandum dated February 26, 2003 from John Sherman, Finance Director, be approved.

03-272 POSSIBLE CONSOLIDATION OF SERVICES AND/OR GOVERNMENTS – REGIONAL EFFICIENCY IMPROVEMENTS

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that this item be continued.

03-273 COMPREHENSIVE PLAN AMENDMENT CASE NO. CP02-012 – VERDI BUSINESS PARK – APPEAL CASE NO. AX03-004 – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* and mailed to affected property owners on February 28, 2003 to consider an appeal of the Washoe County Planning Commission's denial of Comprehensive Plan Case No. CP02-012, a request to amend the Verdi Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would redesignate Assessor's Parcel Numbers 038-430-26, 27, 29, 39, 41, 42, 43 and 44 from the land use category of Neighborhood Commercial (NC) and Industrial (I) to Specific Plan Area (SPA). Assessor's Parcel Numbers 038-430-26, 27, 29, 39, 41, 42, and 43 are currently designated Neighborhood Commercial, and Assessor's Parcel Number 038-430-44 is currently comprised of approximately .806 acres of Industrial and .598 acres of Neighborhood Commercial. The parcels considered for the land use change total approximately 10.38 acres and are located along the west side of U.S. Highway 40 directly north of Interstate 80. The parcels are located within the Verdi Area Plan and the Truckee Canyon Hydrographic Basin, in a portion of Section 15, T19N, R18E, MDM. The parcel considered for the land use change is within the expanded Reno Sphere of Influence of the Truckee Meadows Regional Plan adopted May 9, 2002. The Truckee Meadows Regional Plan includes policies on Sphere of Influence, Policy 1.2.15, and submittals to the Regional Planning Commission, Policy 4.1.1. The Washoe County Commission may take action on alternatives to the applicant's request. To reflect the changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes may include: new text or policy; a revised map series with updated parcel base and data

sources related to development suitability, current assessed land use, planned land use, streets and highways, and public services and facilities; new population statistics, new references to past and future facility construction; new horizon date references and corrections to department or agencies names; and revisions to the Table of Land Uses and the Table of Approved Tentative Subdivisions. Proof was made that due and legal notice had been given.

Katy Singlaub, County Manager, advised that a request to continue this item has been received.

Acting Chair Weber opened the public hearing and called on anyone wishing to speak. There was no response.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that Appeal Case No. AX03-004 of the Washoe County Planning Commission's denial of Comprehensive Plan Amendment Case No. CP02-012 be continued to March 25, 2003 at 5:30 p.m.

03-274 ORDINANCE NO. 1190 – BILL NO. 1369 – ADOPTING
SCHEDULE OF RATES AND CHARGES FOR RECLAIMED
WATER SERVICE

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on February 19 and 27 and March 7, 2003 to consider second reading and adoption of Bill No. 1369. Proof was made that due and legal Notice had been given.

Acting Chair Weber opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Judi Gesh, South Meadows resident, discussed concerns about the poor quality of the water in her area.

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

In response to Ms. Gesh's comments, Steve Bradhurst, Director, Water Resources, advised that staff had discussions with the users of reclaimed water last summer regarding their concerns. He said staff found filter problems and filters were added to the system; and some of the residents had filters that were too small and were clogging with debris. Mr. Bradhurst stated the County's commitment to the customers was for a product that would be superior to last year. He said he does not believe the County was violating any health standard, but the product could be better and will be better this year. Mr. Bradhurst then responded to questions of the Board concerning filters and other issues relating to this matter.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw

absent, Acting Chair Weber ordered that Ordinance No. 1190, Bill No. 1369, entitled, **"AN ORDINANCE ADOPTING REQUIREMENTS AND A SCHEDULE OF RATES AND CHARGES FOR PROVISION OF RECLAIMED WATER SERVICE BY WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES, UTILITY SERVICES DIVISION, TO SUBMIT BILLINGS TO ALL RECLAIMED WATER USERS WITHIN CERTAIN AREAS OF WASHOE COUNTY; REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT. THIS ORDINANCE ABOLISHES ORDINANCE NO. 1038 AND ALL AMENDMENTS THEREOF,"** be approved, adopted and published in accordance with NRS 244.100.

03-275 BUSINESS IMPACT STATEMENT – RECLAIMED WATER RATE ORDINANCE

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that the Reclaimed Water Rate Ordinance Business Impact Statement be approved and the County Clerk be directed to make the finding available upon request.

03-276 RESOLUTION – ADOPTING ORDINANCE REVISING THE SCHEDULE OF RATES AND CHARGES FOR PROVISION OF RECLAIMED WATER SERVICE

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, it was ordered that the following Resolution be adopted and Acting Chair Weber be authorized to execute the same.

RESOLUTION

A RESOLUTION ADOPTING AN ORDINANCE REVISING THE SCHEDULE OF RATES AND CHARGES FOR PROVISION OF RECLAIMED WATER SERVICE BY WASHOE COUNTY WITHIN CERTAIN AREAS OF WASHOE COUNTY, PROVIDING PROCEDURES FOR ITS ENFORCEMENT, AND ABOLISHING ORDINANCE NO. 1038 AND ALL AMENDMENTS THEREOF.

WHEREAS, the proposed Ordinance Revising the Schedule of Rates and Charges for Provision of Reclaimed Water Service by Washoe County Within Certain Areas of Washoe County, and Providing Procedures for its Enforcement has been previously discussed and considered at public meetings by the Board of County Commissioners of Washoe County; and

WHEREAS, the proposed Ordinance Revising the Schedule of Rates and Charges for Provision of Reclaimed Water Service by Washoe County Within Certain

Areas of Washoe County was recommended for approval by the Director of the Department of Water Resources; and

WHEREAS, the proposed Ordinance Revising the Schedule of Rates and Charges for Provision of Reclaimed Water Service by Washoe County Within Certain Areas of Washoe County was presented to the Board of County Commissioners of Washoe County in a first reading on January 28, 2003; and

WHEREAS, pursuant to NRS 318.199 the Board of County Commissioners may take action after the public hearing and adopt a Resolution Revising the Schedule of Rates and Charges for Provision of Reclaimed Water Service by Washoe County Within Certain Areas of Washoe County, and Providing Procedures for its Enforcement.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Washoe County, as follows:

1. The Ordinance Revising the Schedule of Rates and Charges for Provision of Reclaimed Water Service by Washoe County Within Certain Areas of Washoe County, Providing Procedures for its Enforcement, and Abolishing Ordinance No. 1038 and all amendments thereof is hereby approved and adopted, and;
2. The Board of County Commissioners finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.

**03-277 ORDINANCE NO. 1191 – BILL NO. 1370 – AMENDING
CHAPTER 110 – REGIONAL DEVELOPMENT STANDARDS
WITHIN COOPERATIVE PLANNING AREAS**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on February 28, 2003 to consider second reading and adoption of Bill No. 1370. Proof was made that due and legal Notice had been given.

Acting Chair Weber opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that Ordinance No. 1191, Bill No. 1370, entitled, **"AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 434, REGIONAL DEVELOPMENT STANDARDS WITHIN WASHOE COUNTY AND COOPERATIVE PLANNING**

AREAS, BY INCORPORATING STANDARDS TO ADDRESS SITE COMPATIBILITY BETWEEN EXISTING BUILT ENVIRONMENT AND NEW DEVELOPMENT WITHIN UNINCORPORATED WASHOE COUNTY. THE STANDARDS WILL ALSO APPLY TO COOPERATIVE PLANNING AMENDMENTS WITHIN THE POST-MAY 8, 2002 SPHERE OF INFLUENCE AND LANDS ANNEXED BY THE CITY OF RENO AND SPARKS UNDER THE PROVISIONS OF NRS 268.670 IN THE REGIONAL PLAN EXCEPT THOSE LANDS IDENTIFIED IN THE SETTLEMENT AGREEMENT IN NEVADA SUPREME COURT CASE 38749 (ALSO KNOWN AS THE VERDI MATTER). THE PROPOSED AMENDMENT INCLUDES REFERENCE TO LOT ADJACENCY STANDARDS OF SINGLE FAMILY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL INCLUDING PARCEL SIZE MATCHING, AND BUFFERING; LOT ADJACENCY STANDARDS FROM MULTI-FAMILY TO SINGLE FAMILY RESIDENTIAL; LOT ADJACENCY STANDARDS OF RESIDENTIAL TO NON-RESIDENTIAL; LOT ADJACENCY STANDARDS OF NON-RESIDENTIAL TO NON-RESIDENTIAL; GRADING; PROTECTION OF RIDGELINES, EARTHQUAKE FAULT AREAS, AND OTHER MATTERS PROPERLY RELATING THERETO,” be approved, adopted and published in accordance with NRS 244.100.

03-278 ORDINANCE NO. 1192 – BILL NO. 1371 – AMENDING CHAPTER 110 – LOCAL MASTER PLANS AND ZONE CHANGES IN AREAS SUBJECT TO COOPERATIVE PLANNING

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on February 28, 2003 to consider second reading and adoption of Bill No. 1371. Proof was made that due and legal Notice had been given.

Acting Chair Weber opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Gary Schmidt, County resident, said he is concerned about some of the language contained in the Ordinance and would place a general objection on the record regarding certain parcels and parcel owners that brought an action against Regional Planning and the new Regional Plan. He stated the Ordinance refers to areas of interest and expanding the cooperative plan area and said there have apparently been agreements between the County, Regional Planning, and the Cities of Reno and Sparks that he and his co-plaintiffs have not participated in. He would place an objection on the record to anything the Board does in their settlement agreement that in any way affects the development or division opportunities or standards for their parcels, as they have individual standing before the court, and the criteria that will control their parcels would be the original criteria in the adopted Regional Plan.

Upon inquiry of Commissioner Galloway, Mr. Schmidt advised the parcels they are concerned about are located outside the Truckee Meadows Service Area. Commissioner Galloway stated the criteria and provisions contained in the Ordinance are

only applicable inside the Truckee Meadows Service Area. Mr. Schmidt stated that, if there were no affect, he would have no objection but would place a general objection if there were any affect, as he is not fully versed in this matter because he was not a party to those negotiations.

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

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that Ordinance No. 1192, Bill No. 1371, entitled, **"AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 822, PROVISIONS FOR AMENDMENTS TO LOCAL MASTER PLANS AND ZONE CHANGES IN AREAS SUBJECT TO COOPERATIVE PLANNING UNDER THE REGIONAL PLAN SETTLEMENT AGREEMENT TO ADDRESS THOSE CRITERIA TO BE EVALUATED IN THE PROCESSING OF A COOPERATIVE PLAN AMENDMENT WITHIN THE POST-MAY 8, 2002 SPHERE OF INFLUENCE OF THE CITY OF SPARKS AND THE CITY OF RENO, LANDS IDENTIFIED BY THE CITIES AS AN AREA OF INTEREST AND LANDS ANNEXED BY THE CITY OF RENO AND SPARKS UNDER THE PROVISIONS OF NRS 268.670 IN THE REGIONAL PLAN EXCEPT THOSE LANDS IDENTIFIED IN THE SETTLEMENT AGREEMENT IN NEVADA SUPREME COURT CASE 38749 (ALSO KNOWN AS THE VERDI MATTER). COOPERATIVE PLAN AMENDMENT CRITERIA APPLY THROUGHOUT THE COOPERATIVE PLANNING AREAS UNLESS THE TEXT OF A SPECIFIC POLICY STATES OTHERWISE. THE MASTER PLAN POLICIES AND GOALS AND ZONING AMENDMENT CRITERIA INCLUDE REGIONAL FORM AND PATTERN (INCLUDING OPEN SPACE), DESIRED POPULATION AND EMPLOYMENT DISTRIBUTION AND JOBS/HOUSING BALANCE; REGIONAL CENTERS; TRANSIT ORIENTED DEVELOPMENT CORRIDORS; POTENTIAL REGIONAL OPEN SPACE; TRUCKEE MEADOWS SERVICE AREA DEVELOPMENT STANDARDS; CONCURRENCY, TIMING AND PHASING OF INFRASTRUCTURE; FACILITY PLANS FOR PUBLIC INFRASTRUCTURE; PUBLIC SERVICE LEVELS AND FISCAL EFFECT; AND OPEN SPACE, RESOURCE CONSTRAINTS AND COOPERATIVE PLANNING CONSIDERATIONS NOT ELSEWHERE ADDRESSED, AND OTHER MATTERS PROPERLY RELATING THERETO,"** be approved, adopted and published in accordance with NRS 244.100.

Commissioner Galloway said it is regretful that, by doing this under such a tight deadline, some of the excellent development standards and criteria in the Reno-Stead Corridor Joint Plan were not included. He hopes there would be some way to review those and include them later. Adrian Freund, Director, Community Development, stated there are several methods by which to bring those types of amendments and suggestions could be brought forward.

**ALLOCATION – ALTURAS POWER LINE MITIGATION FUND
INTEREST – COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on February 28, 2003 to discuss and possibly allocate additional money from unallocated Alturas power line mitigation fund interest to the previously approved Panther Valley Community Recreation Area project or to other projects in the Panther Valley community area. The Panther Valley Community Recreation Area project was approved by the Washoe County Commission on October 10, 2000 for funding from the Alturas power line mitigation funds. On January 28, 2003, the County Commission set aside \$9,500.00 of mitigation fund interest money for the Panther Valley community area and directed staff to schedule this public hearing to determine how the interest money should be allocated.

Bob Webb, Community Development, provided information in response to questions asked by Board members concerning cost overruns, funding from the Alturas funds, and how community requests for unallocated interest money are processed. He provided a spreadsheet outlining the projects and funding from Alturas power line mitigation funds. Upon inquiry of Acting Chair Weber, Mr. Webb advised that unallocated interest money is available for each community area, and Silver Knolls has unallocated interest money in the amount of \$99,321.00. He discussed previously approved projects in the Silver Knolls area.

Acting Chair Weber opened the public hearing and called on anyone wishing to speak on this item.

June Thomas, Golden Valley resident, requested information about Alturas interest money allocations expended in Golden Valley, which Commissioner Sferrazza and County Manager Singlaub provided. Ms. Thomas advised she never received notice of any meetings concerning allocations in Golden Valley. Mr. Webb stated he did not understand why Ms. Thomas did not receive notice.

Acting Chair Weber read a statement from Neal Cobb, President, Golden Valley Property Owners Association, expressing their support for the request from Panther Valley.

Richard Schoot, Chairman, Panther Valley Community Committee, spoke in support of their request that the funds be used for their new park.

Commissioner Sferrazza stated he believes this request is consistent with what the Board has supported in the past. He said the Panther Valley Park is included within the bond issue, and a portion of the Alturas funds have been appropriated for that project.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that the following actions be taken:

1. Based upon public input, \$9,500.00 of unallocated interest money from the Alturas power line mitigation funds be allocated to the previously approved Panther Valley Community Recreation Area project.
2. The City of Reno Parks and Recreation Department be appointed as project manager for this additional funding. The project manager must coordinate with Kim Carlson, Administrative Analyst II, Washoe County Finance Department, on the availability of any allocated interest money.

03-280

COMPREHENSIVE PLAN AMENDMENT CASE NO. CP02-017
OPEN SPACE ON PUBLIC LANDS – RENO-STEAD CORRIDOR
JOINT PLAN – COMMUNITY DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* and mailed to affected property owners on February 28, 2003 to consider a request to amend eleven of the County's area plans and the Reno-Stead Corridor Joint Plan, being a part of the Washoe County Comprehensive Plan. The Planning Commission-initiated amendment would change the existing land use designation, in the southern portion of the County from General Rural, Open Space, Low Density Rural, Medium Density Rural, High Density Rural and Low Density Suburban to the Open Space, General Rural and Parks and Recreation land use designations. **No privately owned parcels are affected by this amendment.** The multiple public parcels are all located within the boundaries of the Washoe County Regional Open Space Plan and within the following area plans: South Valleys, Forest, Southwest and Southeast Truckee Meadows, Verdi, North Valleys, Sun Valley, Warm Springs, Spanish Springs, Truckee Canyon, Tahoe and the Reno-Stead Corridor Joint Plan. The amendment request would change the land use designations on Assessor Parcel Numbers: 016-740-03, 016-751-36, 017-150-01, 017-200-01, 021-020-06, 021-270-34, 022-172-04, 022-181-01, 022-220-08, 022-220-20, 025-561-23, 035-080-05, 037-310-02, 037-310-06, 038-010-02, 038-150-15, 038-190-16, 038-190-20, 038-190-21, 038-190-26, 038-190-28, 038-190-45 thru 47, 038-260-03, 038-260-07, 038-270-02, 038-270-03, 038-790-01, 038-800-13, 045-252-05, 045-490-04, 047-010-40, 047-010-41, 047-010-62, 047-150-03, 048-110-22, 048-112-04, 048-120-22, 049-450-23, 050-011-02 and 13, 050-011-17 thru 22, 050-011-28 and 29, 050-011-31 and 32, 050-011-32, 050-120-08, 050-150-01, 050-170-07 thru 13, 050-170-19 thru 24, 050-170-26, 050-351-02, 050-351-03, 050-351-04, 050-351-06, 050-351-08, 050-351-10, 050-351-15 thru 17, 050-351-21, 050-351-22, 050-351-38, 050-351-54, 050-500-07, 050-500-12, 050-520-04, 050-520-05, 050-520-07, 055-010-19, 076-011-19, 076-012-09, 076-070-02, 076-070-03, 076-070-04, 076-080-01 thru 05, 076-161-05, 076-172-05, 076-272-05, 076-320-10, 076-440-03, 076-500-01, 076-510-02, 076-530-11, 076-570-05, 076-580-03 thru 06, 076-590-03, 078-051-07, 078-071-08, 078-071-17, 078-

081-06, 078-101-05, 079-010-26, 079-020-34, 079-030-13, 079-030-23, 079-030-27, 079-030-34 thru 37, 079-080-53, 079-130-18, 079-130-19 and 20, 079-130-20, 079-140-19, 079-150-55, 079-170-82, 079-210-46, 079-210-47, 079-450-14, 079-470-16, 079-490-06, 079-490-07, 079-500-01, 079-510-06, 079-510-07, 079-520-06, 080-671-07, 080-710-14, 080-722-02, 080-740-01 and 02, 081-023-02, 081-023-21, 081-050-26, 081-060-34, 081-070-29, 081-080-33, 082-083-09, 082-180-05, 082-180-08, 082-180-16, 082-180-51 and 52, 082-430-21, 082-430-22 thru 24, 082-440-01, 082631-01, 083-011-07, 083-061-06, 083-061-07, 083-730-01, 084-010-01, 084-010-02, 084-010-04, 084-010-05, 084-010-08, 084-010-10 thru 13, 084-010-15, 084-010-48, 084-020-02, 084-020-03, 084-020-04, 084-020-06 thru 17, 084-020-20, 084-030-01, 084-030-03 thru 09, 084-030-11, 084-030-13, 084-030-15 thru 19, 084-030-21 and 22, 084-040-01, 084-040-13 and 14, 084-070-12, 084-120-04, 084-120-06 and 07, 084-120-12, 084-130-02, 084-130-10, 084-130-11 thru 13, 084-172-03 thru 05, 087-010-18 and 19, 087-010-19, 087-010-25, 087-010-30, 087-021-01 thru 03, 087-021-05, 087-021-08, 087-021-13, 087-021-15, 087-021-19 thru 21, 087-340-01, 087-340-05, 087-340-08, 087-350-11, 087-381-04, 087-381-05, 089-010-05, 089-010-06 thru 09, 089-010-13 and 14, 089-020-06, 089-100-29, 089-160-01 and 02, 089-160-02, 089-160-04, 089-170-02, 126-010-54, 126-020-51, 130-340-01 and 02, 130-360-15 thru 18, 144-010-21, 150-080-01, 150-090-02, 152-010-25, 152-010-32, 152-020-77, 152-020-82, 152-020-86, 152-051-22, 152-430-03, 502-250-06, 508-010-01, 508-010-03, 508-460-01, 552-010-01 and 02, 552-020-01 and 02, 552-030-01, and 552-190-07. The 218 parcels considered for land use changes total approximately 194,000 acres of public lands located throughout southern Washoe County. Proof was made that due and legal notice had been given.

Acting Chair Weber requested this item be continued and heard by the full Board. She opened the public hearing and called on anyone wishing to speak regarding the request to continue this item, and there was no response.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that Comprehensive Plan Amendment Case No. CP02-017 be continued to March 25, 2003 at 5:30 p.m.

**03-281 APPEAL CASE AX03-001 – VARIANCE CASE NO. VA02-043 –
BROOKS JOHNSON – COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set for continuance of the public hearing from the February 11, 2003 County Commission meeting to consider an appeal to overturn the Washoe County Board of Adjustment's action denying the request to reduce the front yard setback from 15 feet to 0 feet to facilitate the addition of a garage with living space below, a storage area, and a covered entrance as authorized in Article 406 of the Washoe County Development Code. The project is located at 457 Jill Court (Incline Village Subdivision 2, Lot 15, Block W) approximately 100 feet west of the intersection of Tyner Way and Jill Court. The ±0.14-acre parcel is designated High Density Suburban (HDS) in the Tahoe Area Plan, and is situated in a portion of Sections 9 and 16, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal

Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1 (APN 125-131-15).

Acting Chair Weber called on anyone wishing to speak.

Commissioner Galloway asked if the appellant would like to proceed with three Commissioners present and noted that one “no” vote would kill the appeal. Steve Townley, Cox and Kromydas Architects, representing the applicant/appellant, advised they are in agreement with proceeding today.

Eva Krause, Planner, Community Development, conducted a PowerPoint presentation outlining the subject property and the variance request. She stated a parking deck is currently located in the front yard of the subject, and the hillside drops off at about a 32 percent slope. The proposal would relocate the parking to the other side of the house and put a garage in another area. Staff made the finding that a hardship exists because of the steep slope on the lot and the limited building area of the site. Ms. Krause advised that the Roads Department normally requires a 15-foot separation between the edge of pavement and the structure to alleviate problems of snow removal and to provide off-street parking for guests, but supported this request because the property is on a cul-de-sac where there is less traffic, and there is no sufficient area within the setbacks to build a garage. However, the Roads Department did require that the applicant provide one additional off-street parking space next to the garage in the front yard. Ms. Krause stated that the Incline Village Citizen Advisory Board (CAB) said they were uncomfortable with putting the parking on the side of the garage and not having those 15 feet in front of the property. The CAB made no motion and forwarded it with no recommendation. The Board of Adjustment supported the CAB’s concern that, because this would not be consistent with what has been required in the past, it would set a new standard; and they did not wish to approve the request as it was presented.

Ms. Krause responded to questions of the Board and advised one objection was received from a neighbor to the garage being so far forward on the lot, which would block his view of oncoming traffic and create a safety hazard.

Upon inquiry of Commissioner Galloway, Mr. Townley stated the hardship is created because there is no enclosed parking, which is currently against regulations. The lot is steep and narrow, and there is no other practical location to put the garage. Mr. Townley then presented a modified drawing for the project, which he placed on the document camera. He advised the revised proposal places the garage back to 15 feet from the edge of the pavement and provides about a 7-foot, 5-inch setback from the property line. Mr. Townley stated that most of the comments about the project were presented at the Board of Adjustment meeting, and they had not had the opportunity to present an alternative until now. Discussion was then held concerning the revised proposal.

Commissioner Galloway asked if the revised proposal should be sent back to the Board of Adjustment. Legal Counsel Shipman stated, if the Board believes the

new proposal would have made a difference in the Board of Adjustment's recommendation, it could be sent back. However, there is no requirement to do so. Commissioner Galloway stated the new proposal may have made a difference, but he does not see any point in sending it back. He said it appears the applicant has addressed the concerns presented at the Board of Adjustment meeting.

A discussion commenced concerning the neighbor's opposition to the variance. Mr. Townley read the neighbor's letter presented at the Board of Adjustment meeting that stated his concern about the decreased visibility corridor on the cul-de-sac, which would increase the risk factor on the roadway, and his suggestion that a possible solution to increase the visibility would be to trim the trees on the northwest corner. Mr. Townley then displayed photographs on the overhead showing the subject area and the trees referred to by the neighbor. Commissioner Galloway noted that tree branches could not be trimmed without approval of the Tahoe Regional Planning Agency (TRPA), but he did not believe that action was crucial to this situation. Commissioner Galloway stated he believes the revised proposal is a reasonable solution that alleviates a hardship with minimal impact, and he would be willing to approve the alternative proposal. Commissioner Sferrazza asked if staff supported the revision, and Ms. Krause stated they support the modification because it adds the 15 feet in front of the road.

There being no one else wishing to speak, Acting Chair Weber closed the public hearing.

Commissioner Galloway stated he has not voted for a variance at Incline Village for about two years, but is satisfied a hardship exists in this situation due to the nature of the property. He said if the amended variance is approved, he does not believe it would set a precedent for variance approvals at Lake Tahoe. Ms. Krause suggested that, if the amended variance is approved, Condition No. 12 concerning the extra parking required by the Roads Department would not be needed.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that the appeal be upheld and Variance Case No. VA02-043 be granted, as modified, to reduce the front yard setback to 7 feet, 5 inches and not less than 15 feet from the edge of pavement for the addition of a garage with living space below, a storage area, and a covered entrance. This action is based on having made the following findings in accordance with Washoe County Development Code Section 110.804.25, and is subject to the conditions set forth below.

Findings

1. Special Circumstances. Because of the special circumstances applicable to the property, including:
 - a. The shape of the property, which tapers to the rear leaving insufficient room to construct the garage in the side yard;

- b. The steep grade of the site, which is an exceptional topographic condition;

The strict application of the regulation results in exceptional and undue hardships upon the owner of the property;

- 2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
- 3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
- 4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and
- 5. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

* * * * *

GENERAL CONDITIONS

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 VARIANCE IS THE RESPONSIBILITY OF THE APPLICANT, 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 VARIANCE MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONAL CONDITIONS IMPOSED BY THIS VARIANCE APPROVAL ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE ANNUAL RENEWAL OF A

BUSINESS LICENSE. FAILURE TO COMPLY WITH THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL THE DEPARTMENT OF COMMUNITY DEVELOPMENT HAS DETERMINED COMPLIANCE HAS BEEN ACHIEVED.

ALL CONDITIONS LISTED WITHIN THIS APPROVAL MUST BE SATISFIED TO EFFECTUATE THIS VARIANCE APPROVAL. THE PROPERTY OWNER AND/OR APPLICANT ARE RESPONSIBLE FOR COMPLYING WITH ALL RELEVANT RULES, REGULATIONS, DEVELOPMENT STANDARDS, POLICIES AND PROCEDURES OF WASHOE COUNTY. WASHOE COUNTY RETAINS THE RIGHT TO ENFORCE ALL APPLICABLE ORDINANCES THAT ARE NOT WAIVED OR VARIED BY THE APPROVAL OF THIS APPLICATION.

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

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.

SPECIFIC CONDITIONS for VARIANCE CASE NO. VA02-034

1. The applicant shall obtain a valid Washoe County building permit or other administrative permit in the time period set forth as follows:
 - a. For projects which require a Tahoe Regional Planning Agency (TRPA) permit, within one year from the date of approval by TRPA; or
 - b. For projects which require a TRPA permit and which have TRPA approval (or conditional approval), within one year from the date of approval by Washoe County; or
 - c. For projects which do not require a TRPA permit, within one year from the date of approval by Washoe County.

The applicant shall commence and complete construction in accordance with the time periods required by said permit(s). The Department of Community Development shall determine compliance with this condition.

2. The applicant shall demonstrate conformance with the plans approved as part of this variance. Modification to the plan may require amendment to and reprocessing of the variance. The Department of Community Development shall determine compliance with this condition.

3. A copy of the Final Order and approved plans for the variance shall be attached to all building permit applications issued by Washoe County. Building plans will not be reviewed unless the Final Order and site plan are attached.
4. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control. The Department of Community Development staff shall determine compliance with this condition.
5. No portion of the structure including the garage roof shall overhang the property line. The Department of Community Development staff shall determine compliance with this condition.
6. The applicant shall execute a hold-harmless agreement with the District Attorney's office for snow removal purposes. A copy of the agreement shall be submitted to the Department of Community Development prior to the issuance of a building permit.
7. The applicant shall install an automatic garage door opener prior to the issuance of the certificate of occupancy from Washoe County Building and Safety Division. The staff of the Department of Community Development shall determine compliance with this condition.
8. Roof plans shall show a snow pole running along the east roofline designed to eliminate snow slough onto the adjacent property. The staff of the Department of Community Development shall determine compliance with this condition.
9. Site plan shall show an infiltration trench in accordance with TRPA Best Management Practices. Infiltration trenches shall retain all roof runoff on the applicant's property and assuring the runoff will not drain to the adjacent property. The Department of Community Development staff shall determine compliance with this condition.
10. The applicant shall revegetate all disturbed areas in accordance with "TRPA Handbook of Best Management Practices."
11. Applicant shall bring the entire site into conformance with the Tahoe Regional Planning Agency Best Management Practices (BMP). All BMPs shall be installed to current standards. These may include, but are not limited to, infiltration trench below eave line of the proposed and existing structure, trenches across all driveways, and revegetation of site.
12. Prior to receiving a building permit the applicant shall obtain an encroachment permit from the Incline Village General Improvement District (IVGID) for all structures within their easement. IVGID staff shall determine compliance with this condition.

03-283

2002 REGIONAL PLAN SETTLEMENTS AND ASSOCIATED ISSUES

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Humke and Commissioner Shaw absent, Acting Chair Weber ordered that this item be continued.

Commissioner Galloway advised that City of Reno staff recommended and secured approval of a project called Northstar in the Golden Valley area, which project violates the Regional Plan Settlement and is under appeal by the County. He stated he would be discussing the Northstar issue at the Regional Planning Governing Board (RPGB) meeting because the approval of this project was omitted in the staff report to the RPGB.

* * * * *

There being no further business to come before the Board, the meeting adjourned at 7:30 p.m.

BONNIE WEBER, Acting Chair
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Melissa Ayrault and Barbara Trow
Deputy County Clerks*