

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

AUGUST 8, 2006

PRESENT:

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

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

ABSENT:

Pete Sferrazza, Commissioner

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:

06-854 AGENDA

In response to the call for public comment, Sam Dehne objected to the two-minute rule for public speakers. Gary Schmidt objected to the approval of the agenda and the two-minute public speaking time.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the agenda for the August 8, 2006 meeting be approved with the following change: **Delete** Item 33, the increase in staffing for the Washoe County Sheriff's Office Court Security Officers.

06-855 UPDATE - 2006 ELECTION PUBLIC INFORMATION
CAMPAIGN - COMMUNITY RELATIONS

Kathy Carter, Community Relations Director, presented an update on the 2006 Election Public Information Campaign. She said the goals for this campaign were to increase voter registration and turnout, enhance the voting experience, and build upon the existing credibility of the process. Ms. Carter said the target market for the campaign was 18-24 year olds. She explained this was reached through partnerships with the University of Nevada, Reno, (UNR) Athletic Department Jeff Ross Photography, KPS3 Public Relations Advertising Firm, and the Media Center. Ms. Carter recognized the athletes

who participated in the campaign and presented certificates of appreciation to all who helped.

Commissioner Galloway commended staff on their accomplishments and thanked everyone who participated.

In response to the call for public comment, Sam Dehne recommended mail-in voting.

06-856 FOOD PURCHASE - ELECTION DAY POLL WORKERS - REGISTRAR OF VOTERS

Upon recommendation of Dan Burk, Registrar of Voters, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the food purchases for poll workers on Election Day for the 2006 Primary and General Elections in the amount of \$8,000, as previously budgeted, be approved.

06-857 INTERLOCAL AGREEMENT - CITY OF RENO - ELECTION SERVICES - REGISTRAR OF VOTERS

In response to Commissioner Galloway, Dan Burk, Registrar of Voters, commented State statute provided local jurisdictions make the final determination for the final canvass. Mr. Burk explained there were three citizens in the Registrar's Office who served as the Election Certification Board, and those individuals decided which two percent of the County's machines would be tested before and after the election. Commissioner Galloway remarked a two percent sample was a very high sampling rate and would detect anything fraudulent.

Upon recommendation of Mr. Burk, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that an interlocal agreement between Washoe County and the City of Reno, concerning election services provided by Washoe County, be approved and Chairman Larkin be authorized to execute the same. It was noted the approximate reimbursement received by the County would vary according to the number of candidate races and questions placed on the ballot by the City of Reno.

06-858 INTERLOCAL AGREEMENT - CITY OF SPARKS - ELECTION SERVICES - REGISTRAR OF VOTERS

Upon recommendation of Dan Burk, Registrar of Voters, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that an interlocal agreement between Washoe County and the City of Sparks, concerning election services provided by Washoe County, be approved and Chairman Larkin be authorized to execute the same. It was noted the approximate reimbursement received by the County would vary according to the number of candidate races and questions placed on the ballot by the City of Sparks.

06-859 DISPOSAL OF EQUIPMENT - DIEBOLD ELECTION SYSTEMS - REGISTRAR OF VOTERS

Upon recommendation of Dan Burk, Registrar of Voters, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that pursuant to NRS 332.185(1) it was determined that:

- Diebold Election Systems voting machines and all related equipment could not be disposed of under the same conditions and limitations as required for the purchase of personal property;
- the equipment was no longer required for public use;
- it was desirable and in the best interest of Washoe County to dispose of the equipment.

It was further ordered that the Registrar of Voters be authorized to allow Diebold Election Systems to remove the voting machines and all related equipment, at Diebold's expense, from Washoe County facilities and to re-take official ownership of same.

06-860 APPOINTMENTS - BALLOT ARGUMENTS COMMITTEE - BALLOT QUESTION WC 1 - REGISTRAR OF VOTERS

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the list of names provided by the Registrar of Voters, which was placed on file with the Clerk, for the Ballot Arguments Committee for Ballot Question WC 1, or other individuals known to support or be in opposition to passage of the above ballot question, be appointed. It was noted there should be a total of six committee members chosen for each question with three in favor and three opposed to the measure.

PUBLIC COMMENTS

Katy Singlaub, County Manager, stated, "The Chairman and the Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency, and mutual respect between citizens and their government. Our system of democracy respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threat of violence and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess, if needed, to remove any person who is disrupting the meeting. Notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings."

Guy Felton spoke on the Constitution, absolute privilege, and free speech.

Linda Nelson and Christi Cakiroglu reported on the success of “The Great Truckee Meadows Community Clean-up.” Ms. Cakiroglu said there were over 500 volunteers and community partners who collected approximately 77 tons of trash. Ms. Nelson remarked 25,000 vouchers for dumping were mailed to the unincorporated residents of Washoe County. She said clean-up sites were located throughout the County with 15 dumpsters per site. Ms. Nelson stated plans were already underway for the next scheduled clean-up day.

Leo Horishny said he was a recent graduate of the Washoe County Leadership Academy and thanked the Board for the opportunity the Academy offered. He proposed an “adopt an open-space cleanup” that would enable the County to work with interested citizens or groups to clean an area not identified as a County Park or having County boundaries.

Sam Dehne was opposed to the two-minute time limit allowed to speakers.

Gary Schmidt suggested a rebuttal period for public speakers after the Board had discussion.

COMMISSIONERS’/MANAGER’S ANNOUNCEMENTS

Chairman Larkin reviewed a news release from the Health Department that stated Washoe County had moved below the national percentage level for smoking. He requested follow-up on an incident that occurred in Wadsworth involving Animal Control.

Commissioner Galloway congratulated citizens and staff for their efforts concerning the community clean-up. He requested a policy review concerning public employees and raffle prizes.

Commissioner Weber thanked Keep Truckee Meadows Beautiful for coordinating “The Great Truckee Meadows Community Clean-up” and for distributing vouchers to residents.

Commissioner Humke requested compliments he had received from citizens be delivered to the Public Works Department and the Sheriff’s Department, concerning road repairs and the crack down on speeding in neighborhoods. He also requested a review of the graffiti situation within the County.

06-861 ACKNOWLEDGEMENT OF AWARD - DISTINGUISHED BUDGET PRESENTATION - FINANCE

Chairman Larkin presented a Distinguished Budget Presentation award to the Budget Division for fiscal year 2004/05 and 2005/06. Lisa Gianoli, Budget Manager, accepted the award. She thanked and acknowledged the Budget Division staff for their hard work.

DISCUSSION ON CONSENT AGENDA

In response to the call for public comment, Sam Dehne suggested more information was needed about items on the consent agenda. Gary Schmidt opposed the number of items being considered at one time.

06-862 MINUTES

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the minutes of the regular meeting of June 20, 2006 be approved.

06-863 ANNUAL REPORT - INTERNAL AUDIT DIVISION - FISCAL YEAR 2005/06

Upon recommendation of Bill Mikawa, Internal Audit Manager, through Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the annual report from the Internal Audit Division for fiscal year 2005/06 be accepted.

06-864 THREE-YEAR SCHEDULE OF AUDITS - INTERNAL AUDIT DIVISION

Upon recommendation of Bill Mikawa, Internal Audit Manager, through Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the three-year schedule of audits for the Internal Audit Division be approved.

06-865 PURCHASE - VBRICK HARDWARE AND SOFTWARE COMPONENTS - REGIONAL PUBLIC SAFETY TRAINING CENTER - INTERNAL AUDIT

Greg Befort, Regional Public Safety Training Center Director (RPSTC), explained the interlocal agreement established the governing body of the RPSTC. He explained the Sheriff-elect would be the permanent Chairman of the Executive Board.

Upon recommendation of Mr. Befort, through Sheriff Dennis Balaam, RPSTC Executive Board Chairman, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the purchase of the VBrick hardware and software components, per the Clark County School District request for proposal award to AT&T and extended to Washoe County, in the amount of \$95,157 be approved.

06-866 **PART-TIME PUBLIC SERVICE INTERN POSITION TO FULL-TIME POSITION - MANAGER**

Upon recommendation of Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the recurring, temporary, part-time Public Service Intern position in Management Services be converted to a full-time Program Assistant.

06-867 **EXPENDITURE - ENHANCED 911 FUND - REGIONAL EMERGENCY MEDICAL SERVICES AUTHORITY (REMSA) - PLANT VESTA 911 TELEPHONE ANSWERING SYSTEM - EMERGENCY RESPONSE ADVISORY COMMITTEE**

Upon recommendation of Tom Miller, 911 Emergency Response Advisory Committee Chair, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the payment from the Enhanced 911 Fund to the Regional Emergency Medical Services Authority (REMSA) for fiscal year 2006/07 for reimbursement of lease-purchase of Plant Vesta 911 Telephone Answering System, in the amount of \$4,293.09 per month, be authorized.

06-868 **TRAVEL EXPENSES - ASSOCIATION OF PUBLIC SAFETY COMMUNICATIONS OFFICIALS - 2006 INTERNATIONAL CONFERENCE - EMERGENCY RESPONSE ADVISORY COMMITTEE**

In response to Chairman Larkin, Katy Singlaub, County Manager, said APCO was an acronym for the Association of Public Safety Communication Officials.

Upon recommendation of Tom Miller, 911 Emergency Response Advisory Committee Chair, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the travel for a representative from the North Lake Tahoe Fire Department E911 Advisory Committee to the APCO 2006 International Conference in Orlando, Florida from August 6 - 10, 2006 be approved.

06-869 **GRANT ACCEPTANCE - LIBRARY SERVICES AND TECHNOLOGY ACT - DOWNTOWN RENO LIBRARY REMODEL PROJECT - LIBRARY**

Upon recommendation of Arnie Maurins, Library Associate Operations Director, through Nancy Cummings, Library Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the Library Services and Technology Act Grant for fiscal year 2007, concerning the purchase of furnishings and

equipment for the Downtown Reno Library remodel project in the amount of \$75,000, be accepted.

06-870 DONATION - FRIENDS OF THE LIBRARY - LIBRARY

Nancy Cummings, Library Director, explained the delivery vans were needed because the volume of distributed materials had increased significantly. She said having the delivery vans available at the libraries was a convenience for their patrons and offered availability to every item in the Library system.

Martha Gould, Friends of the Library Second Century Endowment Council Chairperson, explained the van was the first payment from the endowment. She stated the Council was delighted to donate the van, and she emphasized the Library's need for a third van.

Commissioner Galloway acknowledged the donation and extended the gratitude of the Board.

Upon recommendation of Arnie Maurins, Library Associate Operations Director, through Ms. Cummings, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the cash donation from the Friends of Washoe County Library, to be used to purchase an extended cargo van and pay for the van's first-year maintenance costs in the amount of \$27,500, be accepted.

**06-871 TRAVEL EXPENSES - NON-COUNTY EMPLOYEES - JUVENILE
DETENTION ALTERNATIVES INITIATIVE COMMITTEE -
JUVENILE SERVICES**

Katy Singlaub, County Manager, explained this travel expenditure omission was an oversight due to the retirement of a key staff person.

Upon recommendation of Carol Galantuomini, Juvenile Services Division Director, through Michael Pomi, Juvenile Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the travel for three non-County employees serving on the Juvenile Detention Alternatives Initiative (JDAI) Committee, concerning a site visit to the Cook County Probation Department in Chicago, Illinois on June 20-23, 2006 in the estimated amount of \$3,227 from the JDAI grant, be approved.

**06-872 JUVENILE ACCOUNTABILITY BLOCK GRANT - JUVENILE
JUSTICE COMMISSION - JUVENILE SERVICES**

Commissioner Humke disclosed he sits on the Juvenile Justice Commission.

Carol Galantuomini, Juvenile Services Division Director, commented over the past five years the Juvenile Accountability Block Grant had been cut significantly as described in the agenda memorandum dated July 18, 2006. She said staff had been able to modify the program and run the supervised release program to provide extra supervision to kids released from detention through electronic monitoring. Ms. Galantuomini stated she was unaware if this grant would be available next year because of the cuts the federal government had done.

Upon recommendation of Ms. Galantuomini, through Michael Pomi, Juvenile Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the Juvenile Accountability Block Grant for fiscal year 2006/07 from the Juvenile Justice Commission, to fund a probation officer position in the amount of \$65,797 with a County match of \$7,301.77, be accepted. It was further ordered that the Finance Department be directed to make the necessary budget adjustments.

06-873 NEVADA ARTS COUNCIL GRANT NO. AIR10-07 - JUVENILE SERVICES

Upon recommendation of Carol Galantuomini, Juvenile Services Division Director, through Michael Pomi, Juvenile Services Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the Nevada Arts Council (NAC) grant No. AIR10-07, for the period of October 1, 2006 through March 31, 2007 in the amount of \$3,290 with a County match of \$1,800, be accepted. It was further ordered that the Finance Department be directed to make the necessary budget adjustments.

06-874 GRANT AWARDS - REGIONAL TRANSPORTATION COMMISSION - SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the grant awards (retroactively) for fiscal year 2006/07 for the period of July 1, 2006 through June 30, 2007 from the Regional Transportation Commission (RTC), concerning transportation of senior citizens and people with disabilities in Gerlach and Incline Village in the amount of \$17,000 for Gerlach and \$12,500 for Incline Village with no County match, be accepted. It was further ordered that Chairman Larkin be authorized to execute the agreement for same and the Finance Department be directed to make the following budget adjustments:

ACCOUNT NO.	DESCRIPTION	AMOUNT OF INCREASE
10208-433300	RTC Gerlach-Local Government Contributions	\$ 17,000
10208-701150	RTC Gerlach-Contractual Wages	6,000
10208-710391	RTC Gerlach-Fuel and Lube	3,500

10208-710205	RTC Gerlach-Repairs and Maintenance	7,500
10440-433300	RTC Incline-Local Government Contributions	\$ 12,500
10440-710400	RTC Incline-Payments to Other Agencies	12,500

06-875 GRANT AWARD - HUMAN SERVICES CONSORTIUM - SENIOR SERVICES CASE MANAGEMENT, ADVOCACY AND/OR REPRESENTATIVE PAYEE PROGRAMS - SENIOR SERVICES

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the grant award (retroactively) from the Human Services Consortium, passed through St. Mary's Foundation for the period of July 1, 2006 through June 30, 2007 to support Senior Services Case Management, Advocacy and/or Representative Payee programs for low-income seniors in the amount of \$25,000 with no County match, be accepted. It was also ordered that the Finance Department be directed to make the following budget adjustments:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT OF INCREASE
10093-431100	Human Services Consortium/Federal Grants	\$4,477
10093-701110	Human Services Consortium/Base Salaries	\$4,477

06-876 PROFESSIONAL SERVICES CONTRACT - AMENDMENT NO. 3 - CAROLLO ENGINEERS PC - WATER RESOURCES

Katy Singlaub, County Manager, explained this amendment allowed the County to improve the conjunctive use planning with the Truckee Meadows Water Authority (TMWA) and to plan for some of the stream rights.

Upon recommendation of Thomas Kelly, Sr. Licensed Engineer, Donald Mahin, Sr. Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that Amendment No. 3 to the professional services contract with Carollo Engineers PC, in the amount of \$21,000, be approved.

06-877 CONVEYANCE OF WATER RIGHTS - TRUCKEE MEADOWS WATER AUTHORITY - WATER RESOURCES

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the conveyance of 0.79 acre-feet of water rights from the Truckee Meadows Water Authority (TMWA) to Washoe County, in support of the Troy and Mercedes Ward residence, and the associated

Water Sale agreement leasing said water rights back to TMWA be approved. It was further ordered that Chairman Larkin be authorized to execute the water rights deed and the water sale agreement and the Water Rights Manager be directed to record both documents.

06-878 **U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND
MANAGEMENT RIGHT-OF-WAY GRANT SERIAL NO. N-80345**

Commissioner Weber requested future agendas provide indication where the land was located so the public knew which areas were being affected.

Upon recommendation of Joe Stowell, Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that Chairman Larkin be authorized to accept and sign the U.S. Department of the Interior, Bureau of Land Management, Right-of-Way Grant Serial No. N-80345.

06-879 **AGREEMENT - GREAT RENO BALLOON RACE, INC. - PARKS**

Upon recommendation of Al Rogers, Regional Parks and Open Space Assistant Director, through Doug Doolittle, Regional Parks and Open Space Director, on motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, it was ordered that an agreement between Washoe County and the Great Reno Balloon Race, Inc., concerning an event to be held at Rancho San Rafael Regional Park from September 5-10, 2006, be approved and Chairman Larkin be authorized to execute the same.

06-880 **GRANT - COMMUNITY FOUNDATION OF WESTERN NEVADA
- MCCARRAN RANCH OUTDOOR EDUCATION AND
INTERPRETIVE SIGNAGE SITE PLANNING PROJECT - PARKS**

Katy Singlaub, County Manager, explained the nexus of this project was to provide an interpretive and educational center for the McCarran Ranch restoration project. She said the sponsors of the project felt that exposing schools, teachers, and members of the public to the restoration work would engender future support.

Doug Doolittle, Regional Parks and Open Space Director, said this project focused on interpretation and provisions of a master plan to look at opportunities for bird watching and wildlife-viewing. He stated it would also be an educational process by providing trails for the public to view demonstration projects being established on the McCarran Ranch by the Nature Conservancy. He said, through those projects, the public could learn the principles of environmental stewardship, understand what water quality was about, and see what the Nature Conservancy was doing to improve water quality along the Truckee River.

Commissioner Galloway explained the Truckee River Fund was funded by involuntary payments residents made on their utility bills. He said, when that was first proposed, this Commission sent two representatives to the Truckee Meadows Water Authority (TMWA) Board and urged them not to get into the charity business with ratepayer monies. Commissioner Galloway stated he could not support any motion because of the source of the money.

Chairman Larkin asked if the contribution was an inappropriate grant. Melanie Foster, Legal Counsel, said she would need to review the conditions placed upon the grant. She noted the Attorney General's opinion stated TMWA was a joint powers authority with the same powers and authority that the three governments who created it held. Ms. Foster said, if that line of reasoning were followed, this would be no more inappropriate for TMWA to do than for Washoe County; however, there was dissention about that opinion.

Commissioner Weber requested more information from staff. She remarked she was not in favor of TMWA providing the ratepayer monies, but she did not see how it tied in the same way with Washoe County.

Ron Penrose, TMWA Project Manager, said he was the facilitator between TMWA and the Truckee River Fund advisors. He noted those advisors were equally split between the Cities of Reno and Sparks and Washoe County. He said this project and proposal was considered through a request for proposal (RFP) that the Regional Parks and Open Space Department submitted. Mr. Penrose indicated the fund advisors found a nexus between water quality and this proposal. He explained the fund existed to help projects that needed outside funding to improve the Truckee River quality and the quality of the water shed. He added these requests would prepare a public access master plan so the public could see the McCarran Ranch project from a river restoration perspective.

In response to Commissioner Galloway, Mr. Penrose said a goal was set to restore the river to its natural habitat, improve water quality, and rid the river of erosion problems. Commissioner Galloway said a pathway did not improve the Truckee River. Mr. Penrose replied it would be related to education and increased awareness. He commented the intent was to look at the results of the McCarran Ranch project and use public education to promote work elsewhere on the river system. Commissioner Galloway said, if the money were from the Regional Parks and Open Space Department budget to general government or in partnership with anyone else, he would be in support; however, he would not support forced ratepayer contribution money for this purpose.

In response to Chairman Larkin, Ms. Foster said the Attorney General's opinion was very broad and took the position that TMWA was a joint powers authority to act in matters within its purview and control. Ms. Foster said, under that view of TMWA's authority, there would not be an issue of the legality of these activities. Ms. Singlaub did not recall a specific position the Board had taken; however, she said there was great consternation about the fund itself.

Commissioner Humke said a policy discussion should be held in order to proceed with acceptance of the grant. He moved to continue the item so that the Board could have full discussion of the policy implications of this fund. Commissioner Weber seconded the motion.

On call for the question, the motion passed on a 4-0 vote with Commissioner Sferrazza absent.

3:57 p.m. The Board recessed.

4:13 p.m. The Board reconvened as the Sierra Fire Protection District Board of Directors with Commissioner Humke temporarily absent.

06-881 **AGREEMENT – LIFESTYLE HOMES, INC. – VILLAGE CENTER PARK DESIGN AND CONSTRUCTION - PARKS**

Upon recommendation of Al Rogers, Regional Parks and Open Space Assistant Director, through Doug Doolittle, Regional Parks and Open Space Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that an agreement between Washoe County and Lifestyle Homes, Inc., concerning Village Center Park design and construction in an amount not to exceed \$1,400,000, be approved and Chairman Larkin be authorized to execute the same.

06-882 **PURCHASE – HORIZON LIBRARY AUTOMATION SYSTEM – SIRSIDYNIX – LIBRARY**

Upon recommendation of Nancy Keener, Systems Librarian, through Nancy Cummings, Library Director, John Balentine, Purchasing and Contracts Administrator, and Matt Beckstedt, Information Technology Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the purchase of the Horizon Library Automation System from the sole source vendor SirsiDynix, concerning the upgrade of the Library's outdated Dynix automation system in an amount not to exceed \$350,000, be approved. It was noted that this was Capital Improvement Program Project No. PW920804 for Washoe County.

06-883 **AWARD OF BID – 350 CENTER STREET REPAIR OF TRACTION ELEVATORS - BID NO. PWP-WA-2006-71 - PUBLIC WORKS**

This was the time to consider award of the bid for the 350 Center Street Repair of Traction Elevators for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on June 16, 23, and 28, 2006. Proof was made that due and legal Notice had been given.

One bid was received from Commercial Elevator.

Upon recommendation of David Solaro, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that Bid No. PWP-WA-2006-71 for the 350 Center Street Repair of Traction Elevators for the Public Works Department be awarded to Commercial Elevator in the amount of \$213,406. It was further order that Chairman Larkin be authorized to execute the contract documents upon presentation.

**06-884 APPOINTMENT – SUN VALLEY CITIZEN ADVISORY BOARD –
COMMUNITY DEVELOPMENT**

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that James Brunson be appointed as an At-Large member to fill an unexpired term on the Sun Valley Citizen Advisory Board (CAB) with a term beginning on August 8, 2006 and ending on June 30, 2007.

**06-885 RESOLUTION – GENERAL OBLIGATION (LIMITED TAX)
FLOOD CONTROL BONDS – FINANCE**

Naomi Duerr, Truckee River Flood Management Project Director, outlined principle items the funds would be used for as described in the agenda memorandum dated June 27, 2006.

In response to Commissioner Galloway, Ms. Duerr explained the County would exceed \$60-million before the acquisition of the entire Huffaker property could be accomplished. She commented the income projections would be revised as experience was gained with the revenues from the 1/8 percent sales tax. She acknowledged the Truckee River Flood Project Coordinating Committee (the Committee) was considering different ways to raise additional revenues, and those would be discussed at the next committee meeting.

Commissioner Galloway asked if there were any Federal Emergency Management Agency (FEMA) monies available to help with the work at the trailer park at Rock Park based on the logic that it could prevent a future FEMA payout. Ms. Duerr confirmed other funding sources were being explored because FEMA funding could be tapped out.

Commissioner Humke stated it was vital for flood control to become active on the land before any other disturbances occurred from developers or transportation. He commented the use of the money needed to be multiplied.

Chairman Larkin remarked the State needed to be asked to aid in this project through the tax surplus fund because they owned the river too.

Ms. Duerr stated the Committee was exploring the implementation of a flood control district and/or a special assessment district for the areas flooded in 1997 that would not flood again once the project was completed. She would be speaking with the Fish and Wildlife Service about funding soon, and staff was seeking grant opportunities that would make monies available for these kinds of lands.

Commissioner Galloway voiced his support to search for additional sources, and he applauded the efforts to seek assistance from the State.

Ms. Duerr explained this resolution would go back to the Committee for a final vote. She said this was a critical step because formal concurrence from the Board was necessary. She added the item would be before the Debt Management Commission (DMC) on August 18, 2006.

Commissioner Humke mentioned a recent visit with a citizen who did not live in a FEMA flood plain area but experienced a flood event in December 2005. He described the work the resident was doing to repair the damage from the flooding. Commissioner Humke commented this person did not receive any reimbursement, yet he experienced flooding. He said many cases were appearing similar to this one. He stated the County was looking for alternatives to assist residents.

Upon recommendation of John Sherman, Finance Director, through Katy Singlaub, County Manager, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the following resolution be adopted and Chairman Larkin be authorized to execute the same:

RESOLUTION NO. 06-885

A RESOLUTION CONCERNING THE FINANCING OF FLOOD CONTROL PROJECTS; DIRECTING THE CLERK TO NOTIFY THE WASHOE COUNTY DEBT MANAGEMENT COMMISSION OF THE COUNTY'S PROPOSAL TO BORROW MONEY AND TO ISSUE ITS WASHOE COUNTY, NEVADA GENERAL OBLIGATION (LIMITED TAX) FLOOD CONTROL BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) IN THE MAXIMUM PRINCIPAL AMOUNT OF \$60,000,000; SETTING FORTH THE INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH BOND PROCEEDS; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County, Nevada (the "County") was created as a county pursuant to Section 243.340 of Nevada Revised Statutes ("NRS"), and, pursuant

to Chapter 377B of NRS, is authorized to acquire, establish, construct and expand projects for the management of flood plains or the prevention of floods as set forth in the plan adopted pursuant to NRS 377B.100 (the "Project"); and

WHEREAS, the Board of County Commissioners (the "Board") of the County proposes to issue the County's general obligation (limited tax) flood control bonds additionally secured by pledged revenues (the "Bonds"); and

WHEREAS, pursuant to NRS 350.020(3) (subject to the approval of the proposal to issue general obligations by the Washoe County Debt Management Commission), proposes to adopt and publish notices of public hearing and adoption of a resolution of intent to issue the Bonds additionally secured by the infrastructure tax imposed pursuant to Chapter 377B on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the County (the "Pledged Revenues"); and

WHEREAS, the Board hereby makes a finding that the Pledged Revenues will at least equal the amount required in each year for the payment of interest on and principal of the Bonds; and

WHEREAS, the Board proposes to issue the Bonds without an election unless a petition signed by the requisite number of registered voters of the County representing the requisite assessed value of the taxable property of the County is presented to the Board requiring the Board to submit to the qualified electors of the County for their approval or disapproval the following proposal:

GENERAL OBLIGATION (LIMITED TAX) FLOOD CONTROL BOND ADDITIONALLY SECURED BY PLEDGED REVENUES PROPOSAL:

Shall the Board of County Commissioners of Washoe County in the State of Nevada, be authorized to incur a general obligation indebtedness on behalf of the County by the issuance at one time, or from time to time, of the County's general obligation (limited tax) flood control bonds, in one series or more, in the aggregate principal amount of not exceeding \$60,000,000 for the purpose of financing, wholly or in part, the acquisition, establishment, construction, and expansion of projects for the management of flood plains or the prevention of floods as set forth in the plan adopted pursuant to NRS 377B.100, such bonds to mature commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to bear interest at a rate or rates not in excess of the statutory maximum rate in effect at the time bonds are sold, to be payable from general (ad

valorem) taxes (except to the extent pledged revenues and other moneys are available therefor), and to be issued and sold at par, or below or above par, and otherwise in such manner, upon such terms and conditions, and with such other detail as the Board may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?

(the "Bond Proposal"); and

WHEREAS, subsection 1 of NRS 350.014 provides, in relevant part, as follows:

"1. Before any proposal to issue general obligation debt . . . may be submitted to the electors of a municipality, or before any other formal action may be taken preliminary to the issuance of any general obligation debt, the proposed incurrence . . . must receive the favorable vote of two-thirds of the members of the [debt management] commission of each county in which the municipality is situated. . . ."; and

WHEREAS, subsection 1 of NRS 350.0145 provides, in relevant part, as follows:

"1. The governing body of the municipality proposing to incur general obligation debt. . . shall notify the secretary of each appropriate commission, and shall submit a statement of its proposal in sufficient number of copies for each member of the commission. . . ."

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

Section 1. Based on the revenue study presented to the Board, the Board hereby finds that no increase in the rate of an ad valorem tax is anticipated to be necessary for the payment of the Bonds described in the Proposal for the term thereof (the "Finding"), and requests the Washoe County Debt Management Commission (the "Commission") to approve the Proposal and the Finding.

Section 2. All action, proceedings, matters and things heretofore taken, had and done by the Board, and the officers thereof (not inconsistent with the provisions of this resolution) directed toward the Project and the financing thereof be, and the same hereby is, ratified, approved and confirmed.

Section 3. The County Clerk shall be, and she hereby is, authorized and directed to notify immediately the Secretary of the Commission of the County's Proposal and Finding, and to submit to said Secretary a statement of the Proposal in sufficient number of copies for each member of the Commission. The County Director of Finance is authorized to update or amend the County's plan for capital improvements if

necessary to reflect the Project and the Bonds and the Project to be financed thereby and to file the information as required by NRS 350.013 to the extent required to comply with NRS 350.013.

Section 4. In order to permit the County to reimburse itself for prior expenditures relating to the Project with the proceeds of Bonds, the Board hereby determines and declares as follows:

(a) The County reasonably expects to incur expenditures with respect to the financing of the Project prior to the issuance of Bonds and to reimburse those expenditures from the issuance of Bonds; and

(b) The maximum principal amount of Bonds expected to be used to reimburse such expenditures is \$60,000,000.

Section 5. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 6. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 7. This resolution shall become effective and be in force immediately upon its adoption.

06-886 APPOINTMENT – PLANNING COMMISSIONER - REGIONAL PLANNING COMMISSION – COMMUNITY DEVELOPMENT

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that Washoe County Planning Commissioner Christy Magers be appointed to the Regional Planning Commission with a term beginning August 8, 2006 and ending on June 1, 2009 or until a successor is appointed.

06-887 BILL NO. 1492 - AMENDING WCC CHAPTER 110 – GRADING STANDARDS

Sharon Kvas, Planning Manager, stated there was amended language for the ordinance title. She stated the word "more" should be changed to "less" in the second to the last sentence in the description.

Amy Harvey, County Clerk, confirmed she had the amended language for the ordinance title.

Bill No. 1492, entitled, "AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 438, GRADING STANDARDS, BY REQUIRING A GRADING PERMIT TO BE ISSUED FROM THE BUILDING OFFICIAL WHEN GRADING IS PROPOSED IN EXCESS OF FIFTY (50) CUBIC YARDS OF MATERIAL AND FURTHER REMOVES EXEMPTIONS TO OBTAINING A GRADING PERMIT WHEN EXCAVATION IS LESS THAN TWO (2) FEET IN DEPTH OR FILL LESS THAN ONE (1) FOOT IN HEIGHT REGARDLESS OF THE AMOUNT OF MATERIAL EITHER EXCAVATED OR FILLED, AND OTHER MATTERS PROPERLY RELATING THERETO," was introduced as amended by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

06-888 **BILL NO. 1493 - AMENDING WCC CHAPTER 60 – WEED ABATEMENT**

In response to Commissioner Galloway, County Manager Katy Singlaub explained this was addressing burn permits; and the provision for burn permits was within the ordinance concerning weed abatement. She would provide the specifics for the Board at the public hearing.

Commissioner Galloway commented this did not apply to normal gardening techniques, and Ms. Singlaub concurred.

Commissioner Humke submitted a petition with 34 signatures and addresses from residents in Washoe Valley who were concerned about burn permits. He noted it was presented to him by citizen Barbara Newman.

Commissioner Weber commented many residents in Commission District No. 5 had requested this also.

Bill No. 1493, entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ELIMINATING FEES FOR WEED ABATEMENT PERMITS AND WEED ABATEMENT PERMIT RENEWALS," was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

5:25 p.m. The Board recessed.

6:01 p.m. The Board reconvened.

06-889 **COMPREHENSIVE PLAN AMENDMENT CASE NO. CP06-010 – SPANISH SPRINGS PUBLIC AIRPORT – COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 28, 2006 and mailed to affected property owners on July 26, 2006 to consider the appeal filed by the Spanish Springs Pilots Association on the action

by the Washoe County Planning Commission to fail to approve Comprehensive Plan Amendment Case No. CP06-010 Spanish Springs Public Airport. The case involves a proposed amendment to the Spanish Springs Area Plan, being part of the Washoe County Comprehensive Plan, to cover that portion of Parcel No. 089-160-04 that includes the Spanish Springs Public Airport. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the proposed amendment.

Patti Bakker, Planner, presented a PowerPoint presentation outlining Comprehensive Plan Amendment Case No. CP06-010, Spanish Springs Public Airport, Appeal Case No. AX06-007. She explained the case was a proposal to amend the Spanish Springs Area Plan to include the Spanish Springs Public Airport. Ms. Bakker noted the Planning Commission voted on a motion to approve the amendment at their June 26, 2006 meeting, and the motion failed. She clarified it was a 3 to 3 vote with one Commissioner absent. She said the vote required a super majority vote, and that did not occur. Ms. Bakker referenced the action alternatives and possible motions that were outlined in the staff report dated July 19, 2006.

In response to the call for public comment, David Cencula urged the Commission to approve the amendment to include the Spanish Springs Public Airport in the Spanish Springs Area Plan. John Bradbury read a handout concerning the appeal and asked for approval of CP06-010 with the changes that were agreed upon by the Spanish Springs Citizen Advisory Board (CAB) that were outlined in his document. Dianne Bartmess spoke in favor of the amendment and thanked staff for their work. Scott Franzwa and Alex Franzwa did not wish to speak but their support for the amendment was noted.

Mark Wray, Esq. and representative for the appellant, thanked the Community Development staff for their hard work on this case. He acknowledged Mr. Bradbury and noted he was a member of the Spanish Springs CAB that voted unanimously to approve this plan amendment. Mr. Wray pointed out the Spanish Springs Public Airport's lease with the Bureau of Land Management (BLM) had no restrictions. He said the Spanish Springs Pilots Association and members of the community agreed with the restrictions in the amendment. Mr. Wray discussed the history of the airport as it concerned the County and the community. He confirmed the majority of the community had signed declarations in support of the amendment. He presented copies of disclosure statements from homeowners who bought into the area adjacent to the airport. Mr. Wray noted Sheriff Dennis Balaam's support of the Spanish Springs Public Airport. He added the pilots had specific take-off and landing rules that were established through agreements with developers, and the pilots followed those standards voluntarily. Mr. Wray stated the Spanish Springs Pilots Association supported the amendment, and he solicited the Board's vote.

The Chairman closed the public hearing.

In response to Commissioner Galloway, Ms. Bakker explained the amendment called for a conceptual development plan to be agreed upon between the airport operator and staff; and it specifically stated that special use permits would not be required. She confirmed the amendment did not contain the conceptual development plan, and nothing would be built until it was approved because it must be consistent with the plan. Ms. Bakker verified Community Development would approve the plan; any changes to the property would depend on what the operator wanted to propose; and the parties would have to agree on it. She noted the wording about prohibiting the use of public funds for the airport was not inserted into the amendment. She clarified it was a suggestion made in the motion when the CAB made their recommendation. Ms. Bakker stated, if the amendment was approved, there would not be any prohibition against the use of public funds.

Commissioner Galloway asked if there was a disagreement as to the enforceability of County requirements on the case. Ms. Bakker responded the airport operator that was maintaining or managing the airport would have to abide by the guidelines of the amendment. Commissioner Galloway commented that was the County's position, but he questioned if it was the position of the Spanish Springs Pilots Association.

Mike Harper, Planning Manager, said the County would not issue permits that were not consistent with the conceptual plan that would be provided. He stated this made it easier for the County to go through that process rather than a series of special use permits that had no guidance or purpose. Mr. Harper remarked the purpose of initiating this at the Board level in 2005 was to ensure that there was a plan available to the community and to the County that would provide guidance to future permits that would be issued. He acknowledged the County could not tell the BLM what to do; however, the County was not accepting the fact that the BLM had no rules, and that would not prevent the County from establishing regulations through the area plan. Mr. Harper pointed out the County's master plan took authority over County codes because of the State law regarding regional planning. He said the conceptual plan would provide guidance for future development of the property for future permits.

Chairman Larkin noted the findings made by the Planning Commissioners who had opposed the amendment. He asked if there was another location in Spanish Springs for the airport. Ms. Bakker replied that assessment had not been made. Chairman Larkin inquired about expansion possibilities for the Spanish Springs Public Airport. Ms. Bakker explained the runway could be paved but not extended in the current location. Chairman Larkin asked about the disagreement the Planning Commission had with the County Commission. Ms. Bakker explained the Planning Commission was concerned about the decision of the Board on December 13, 2005 that deemed the airport a conforming use. She said they brought up the possibility of committee work that was done in 1999 by the Planning Commission. She commented there was confusion as to what decisions and actions were made at that time and the decision of this Board in December 2005. Ms. Bakker noted the Planning Commission directed staff to research that, and the conclusion was that it was not germane to this issue.

Commissioner Weber voiced support for all airports. She asked for the names of the Spanish Springs CAB members who voted unanimously to support the amendment on May 10, 2006. She stated it was an important factor that the CAB recommended approval of the amendment. Commissioner Weber commented this was a great opportunity for staff and the Spanish Springs Public Airport to work together to plan for the future of that airport. Ms. Bakker listed the names of the CAB members and noted that Max Bartmess recused himself from the vote.

In response to Commissioner Humke, Ms. Bakker agreed the area plans were amendable. She clarified finding number five should read, "Spanish Springs Area Plan" and not, "North Valleys Area Plan." She said there was a policy in the original Spanish Springs Area Plan to explain that the airport was not included, but it would be considered at a later date.

Commissioner Humke asked Mr. Bartmess if nighttime takeoffs and landings were allowed at the airport. Mr. Bartmess said they were allowed, and there was approximately one nighttime takeoff and landing per month. Commissioner Humke inquired if the wind controlled the direction in which the pilots took off and landed. Mr. Bartmess confirmed the wind was the main controller for the pilots. He said pilots were encouraged to not make approaches or takeoffs over the houses; however, the final determination of which direction to land was left to the pilots.

In response to Commissioner Galloway, Mr. Harper explained staff would have no guidance as to what was permitted at the airport if the amendment was not approved. He said it would become a source of confusion to staff, property owners, and the operator as to what was permitted and what was not. Mr. Harper stated the conceptual plan would provide a guideline as to what would be allowed. He commented the applicant expressed to staff that there was no plan for a number of expansions because of the limit on the runway and the restrictions on the lease that prevented realignment of the runway. Mr. Harper said the State of Nevada indicated the airport had limited ability to be used for much more than its current use. He noted the Federal Aviation Administration (FAA), the State of Nevada, and the current operator would give input to staff concerning the conceptual plan. He acknowledged the Board could direct staff to bring the matter to the Planning Commission or the County Commission for a type of final review if the Board was concerned that the Community Development Director would have the final decision. Mr. Harper emphasized the plan would be brought to the CAB for their review because they had been part of the process. He said the character statement would provide a basic guideline so the applicant and the community would understand how the airport would be operated.

Commissioner Galloway stated the criteria for approval or changes to the conceptual development plan should be made clear. Adrian Freund, Community Development Director, explained the standards he would use and said there was guidance set out in the comprehensive plan amendment.

In response to Chairman Larkin, Mr. Bartmess explained if the statement, "no taxpayer monies would be used for Spanish Springs Public Airport," was included in the amendment, it would prohibit federal airport development monies. He said that could preclude monies that came into the airport through the Washoe County Search and Rescue, which could impact the safety of citizens. Mr. Bartmess noted federal monies were obtainable for improvements that would help make the airport more compatible with the neighborhood, and those funds would be made unavailable if that statement were included in the amendment.

Chairman Larkin inquired about Mr. Bradbury's document, and Ms. Bakker explained those were recommendations to the Planning Commission that were part of the CAB's motion. She said the failure of the Planning Commission to approve that left the recommendations in an indeterminate state.

Commissioner Humke stated there would never be a paving of the runway if a limitation to prohibit taxpayer dollars existed. He acknowledged that would harm the neighborhood as well as the flying community. He was informed that federal funding was available for paving an airstrip such as this one. Commissioner Humke disagreed with the CAB concerning that standard. He suggested they could seek to regulate the runway length, aircraft weight, or horsepower if they desired to limit the airport.

Commissioner Galloway was concerned about the lack of an appeal process, and he inquired about the position of the Spanish Springs Pilots Association on that matter. Mr. Wray stated the Spanish Springs Pilots Association would abide by the amendment, and they were willing to be bound by the outcome of the process. He confirmed the issue of an appeal process had never come up, and they went through the process with staff to reach this plan in good faith. He stressed they were in agreement with the language of the amendment.

Mr. Wray clarified there was no planned airport expansion because, in order to expand or lengthen the runway, it would have to be built through homes or the gravel pit.

In response to Commissioner Weber, Mr. Harper clarified the State law contained an appeal of the Community Development Director's decision. He said, if there was a disagreement, that would be appealed to the Board of Adjustment; and the applicant could move forward with an appeal to this Board. He added the appeal process was not limited to the applicant.

Commissioner Weber disclosed she visited the Spanish Springs Public Airport, and Mr. and Mrs. Bartmess were her friends. She had conversations about the airport with them and other individuals.

Chairman Larkin disclosed he was a pilot and an instructor, he used all the airports in the region, he owned an aviation business, and he performed pilot safety checks. He stated he never had a financial interest or any interest for any kind of revenue or income in any airport, especially the Spanish Springs Public Airport. Chairman Larkin

cited a portion of "The Nevada Code of Ethical Standards." He said, based upon the information he provided to the District Attorney, they opined that there was no evidence to support a claim that he had a significant pecuniary interest in the Spanish Springs Pilots Association, the Spanish Springs Public Airport, or that his occasional use of the airport amounted to any kind of substantial or continuous business relationship that would require him to disclose and abstain from voting on the comprehensive plan amendment. Chairman Larkin declared he had no ties with the Spanish Springs Pilots Association, and he would be voting because he had no financial or pecuniary interest in the Spanish Springs Pilots Association.

Commissioner Humke disclosed he visited the airport and met with Mr. and Mrs. Bartmess. He said he had one contact from a constituent who offered to fly him into the airport.

Commissioner Galloway asked if only one finding would be included in the motion. Following discussion, it was clarified the motion would include all the findings in the staff report.

Based on the following findings, on motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that Comprehensive Plan Amendment Case No. CP06-010 for the Spanish Springs Public Airport be approved. It was further ordered that Chairman Larkin be authorized to sign the appropriate resolution upon conformance finding by the Regional Planning Commission.

FINDINGS:

1. The proposed amendment to the Spanish Springs Area Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan.
2. The proposed amendment to the Spanish Springs Area Plan will provide for land uses compatible with existing and planned adjacent land uses, and will not adversely impact the public health, safety, or welfare.
3. The proposed amendment to the Spanish Springs Area Plan responds to changed conditions that have occurred since the Board of County Commissioners adopted the plan, and the requested amendment represents a more desirable utilization of land.
4. The proposed amendment to the Spanish Springs Area Plan will promote the desired pattern for orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

5. The proposed amendment to the Spanish Springs Area Plan is the First amendment to the Spanish Springs Area Plan in 2006, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
6. That the Planning Commission has reviewed the required regional findings in Article 822 for conformance with the Regional Plan, including Section 822.25, findings for Regional Form and Pattern; Section 822.35, findings for Concurrency, Timing and Phasing of Infrastructure; Section 822.40, findings for Public Service Levels and Fiscal Effect; and,
7. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
8. The areas governed in the existing Spanish Springs Area Plan that are not included in this update will continue to be governed by the language and maps in the existing plan that relate to those areas, until such time that updated plans for those areas are brought forward and adopted by the Planning Commission and the Board of County commissioners, and found in conformance with the Regional Plan.

**06-890 MODIFICATION TO HOME-BASED BUSINESS LICENSE –
BRADLEY BRAZELL DBA SIERRA OUTDOOR SERVICES –
COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on July 28, 2006 and mailed to affected property owners on July 27, 2006 to consider the requested Modification to the Home-Based Business License Development Standards for Bradley J. Brazell dba Sierra Outdoor Services, 5050 Wedekind Road (APN 027-172-26) (site address of 7 Skyridge Lane), Sparks to allow storage of five company vehicles and trailers (business vehicles), parking of up to ten employee vehicles, and permitting up to ten employees to report to work at the residence. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the modification to the home-based business license.

Bob Webb, Planning Manager, reviewed the agenda memorandum dated July 19, 2006 and explained the requested modification to the home-based business license development standards for Bradley J. Brazell dba Sierra Outdoor Services. He referenced maps and photographs that were included in the staff report. Mr. Webb discussed the letters received from the public that were in support and opposition to the modifications requested by Mr. Brazell.

In response to the call for public comment, Molly Manley said she had a problem with the number of vehicles on the property; and she did not want the business

in her neighborhood. She asked for contact information if Mr. Brazell was out of compliance, and she sought the Board's denial of the request. Rich Ciesynski was not in support of the home-based business. He pointed out the area was residential, and the people who were coming in and out of the neighborhood were trespassing. Mike Wilson said he did not support the business, and he commented the daily activity was unbearable. He was worried about future property values and the safety of the residents with the employees coming and going from the neighborhood. He stated the business was not conducive to the neighborhood. C. Richard Capurro was concerned about safety, parking, non-compatibility with the neighbors, zoning of the area, and sewer and restroom requirements. He commented 10 employees did not fall within the definition of a home-based business, and it could be time for Mr. Brazell to seek a properly zoned location for his business. He asked the Commissioners to hold the business to the current limit. Ed Lagomarsino hoped a compromise could be made to give Mr. Brazell time to locate off-site provisions. Sonja Hinkle and Bonnie Woo were in attendance at the meeting; however, they had to leave before they were called to speak. They indicated their opposition to the modifications of the license.

Mr. Brazell explained his business was a small landscape maintenance company that required no heavy equipment. He presented photographs of the vehicles, parking areas, and equipment; and he discussed how the business was operated. He currently had fewer than 10 employees, and the employee that concerned the neighbors had been terminated. Mr. Brazell added his wife operated a home daycare, but they closed it because they felt it was bringing too many vehicles into the neighborhood. He noted it was seasonal work and that decreased the number of employees in the winter. He confirmed no maintenance of the equipment was done on the property.

The Chairman closed the public hearing.

Commissioner Humke referenced Washoe County Code (WCC) section 25.4421(1) from the staff report and asked if the application met the tests contained in that purpose statement. Mr. Webb explained the reason for the hearing was for the Commission to decide whether or not the requested modifications were within keeping of that purpose statement. He believed the development standards that were placed in the WCC were appropriate. Commissioner Humke inquired if this was the type of case that would normally have been licensed or was this business already at the stage where it was so highly developed that it should relocate to a commercial location. Mr. Webb clarified Mr. Brazell was under the impression he did not need a County license; however, staff informed him that a license was required. He stated Mr. Brazell would need to relocate to a more appropriate site at some point in time.

In response to Commissioner Humke, Melanie Foster, Legal Counsel, stated this would be the time to determine if the evidence demonstrated that this was not a compatible use and there was not a sound basis upon which to vary the standards, rather than granting a license and coming back at a later point and removing the license.

Commissioner Weber remarked this was all about being a good neighbor. She suggested giving Mr. Brazell time to find another location for the business, not

allowing any expansion of the business, and relocating by February 2007. She asked if that would be possible. Mr. Webb acknowledged a time limit could be set if the Board decided to deny or condition the request.

Commissioner Weber requested the Board allow Mr. Brazell the opportunity to move his business to another location. She said it needed to be a fair situation for everyone. She acknowledged his business was impacting the neighborhood.

Chairman Larkin asked Mr. Brazell why he moved out of Sparks and what was different about this location. Mr. Brazell stated he did not know he was moving out of Sparks, and the lot was larger in this area. He believed it would be okay to operate the business because it was on an acre, and it was out of the way. He checked for conditions, covenants, and restrictions (CC&R's) and found none. Chairman Larkin inquired if Mr. Brazell polled the neighborhood before he moved in to inform them that he would be conducting a home-based business of this nature. Mr. Brazell said he spoke with one neighbor. He did not plan to stay in the location long term, but he was asking for one year in this location. Chairman Larkin asked if he could relocate at the end of this growing season, and Mr. Brazell replied his only issue was finding a storage lot in the area.

Commissioner Galloway pointed out Mr. Brazell would not be able to increase the number of vehicles if he was given time to comply. He suggested storing service trailers in storage units and favored the end of November for a compliance date.

Commissioner Weber hoped the neighbors would allow Mr. Brazell to keep the current status of his business until he relocated in February 2007.

Chairman Larkin commented the WCC called for one company vehicle and one employee vehicle, and the residents were asking Mr. Brazell to comply with the WCC. He commented February was well beyond the close of the growing season, which would be the end of November.

Commissioner Galloway remarked damaging Mr. Brazell's income potential bothered him more than causing him to relocate. He stated the income for the business would drop off after November 30th, and he did not want to issue a permit of any kind. Commissioner Galloway suggested a denial of the appeal and a stay of the enforcement until December 1, 2006. He said staff would take whatever measures were necessary and allowed by the WCC if Mr. Brazell did not comply by that time. He believed that was ample time to find a place to store the vehicles.

Commissioner Humke declared the Commission would be bending over backward to stay the action until November 30, 2006. He said the landscaping season would be over, and that gave Mr. Brazell time to make changes. Commissioner Humke remarked it was completely inappropriate to have employees jumping fences and trespassing in the neighborhood.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Larkin ordered that the requested modifications to the development standards for the home-based business license issued to Bradley Brazell dba Sierra Outdoor Services (APN 027-172-26) (site address of 7 Skyridge Lane) be denied with the findings that the requested modifications would alter the appearance of the surrounding residential area and would be detrimental to the surrounding area's character. It was further ordered that staff be directed to stay enforcement through the close of business November 30, 2006.

06-891 APPEAL CASE NO. AX06-005 – WAYNE FORD – VARIANCE
CASE NO. VA06-009 – HIDEAWAY PROPERTIES –
COMMUNITY DEVELOPMENT - CONTINUED

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on July 28, 2006 to consider Appeal Case No. AX06-005 (Wayne Ford), an appeal of the Board of Adjustment's approval of Variance Case No. VA06-009 (Hideaway Properties), a request to reduce the front yard setback from 15 feet to 1 foot 6 inches, to facilitate the construction of a two-car detached garage and office space located below the garage. The project is located at 434 Gonowabie Road, approximately 1,300 feet from the western (entrance) intersection of State Route 28 and Gonowabie Road, Crystal Bay, Nevada. The ±0.191-acre parcel is designated High Density Suburban (HDS) in the Tahoe Area Plan, and is situated in a portion of Section 19, 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 123-145-09) Proof was made that due and legal Notice had been given.

County Manager Katy Singlaub noted there was a request for a continuance of the appeal.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against the appeal. There being no one wishing to speak, the Chairman closed the public hearing.

Melanie Foster, Legal Counsel, clarified the Board should decide the date to which the matter would be postponed, and the item should be continued. She stated counsel for the appellant requested the continuation until the August 22, 2006 meeting.

Commissioner Galloway moved to reopen the public hearing. Commissioner Weber seconded the motion.

On call for the question, the motion passed on a 4-0 vote with Commissioner Sferrazza absent.

The Chairman reopened the public hearing.

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

Larkin ordered that Appeal Case No. AX06-005, Variance Case No. VA06-009 be continued until the meeting on August 22, 2006.

06-892 AWARD OF BID – TEST WELL DRILLING AND CONSTRUCTION - WATER RESOURCES

This was the time to consider award of the bid for test well drilling and construction in the South Truckee Meadows for the Water Resources Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on June 21, 22, and 28, 2006. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Humboldt Drilling & Pump Co., Inc.
Layne Christensen Company

Upon recommendation of Michael Widmer, Senior Hydrogeologist, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the bid for test well drilling and construction in the South Truckee Meadows for the Water Resources Department be awarded to the lowest, responsive, responsible bidder, Humboldt Drilling & Pump Co., Inc., in the amount of \$395,240. It was further ordered that Chairman Larkin be authorized to execute the contract documents upon receipt and the Supervising Hydrogeologist be authorized to issue the Notice to Proceed.

06-893 REIMBURSEMENT AGREEMENT – FALLEN LEAF ATTACHED HOMES, LLC – RECLAIMED WATERLINE – WATER RESOURCES

Commissioner Humke referenced an e-mail from Steve Cohen, area resident, which was placed on file with the Clerk. Commissioner Humke asked about the over-sizing and if the applicant was accepting that cost.

Paul Orphan, Engineering Manager, clarified Mr. Cohen believed reimbursing them 5/6th of the cost was too much. He said this was on the capital projects list, Water Resources would have been installing a 12-inch line, and Fallen Leaf Attached Homes, LLC (Fallen Leaf) would have paid connection fees only. Mr. Orphan added Fallen Leaf would pay the connection fees and 1/6th of the cost of the line by building it themselves. He verified the cost savings for the County would be approximately \$50,000.

In response to Commissioner Humke, Mr. Orphan explained there were more trenching costs involved with the installation of a 12-inch line versus a two-inch line. He said the cost savings would be an additional \$50,000.

Commissioner Galloway inquired if it was often the case that a private party could build it for less money than the County. Mr. Orphan agreed. He explained

the company possibly completed it at a lower cost because they already had a contractor onsite doing other utility work. Mr. Orphan confirmed the total cost savings were estimated at approximately \$150,000 for the County by having it done this way.

Upon recommendation of Joe Howard, Senior Licensed Engineer, and Mr. Orphan, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that a reimbursement agreement between Washoe County and Fallen Leaf Attached Homes, LLC, concerning over-sizing the construction of a reclaimed waterline in South Truckee Meadows in the amount of \$295,062.67, be approved and Chairman Larkin be authorized to execute the same.

**06-894 RESOLUTION – PURCHASE OF LAND – TRUCKEE RIVER
FLOOD MANAGEMENT PROJECT**

Commissioner Galloway commented there was no profit for The Nevada Land Conservancy because it was only a fee that was established by the agreement. Naomi Duerr, Truckee River Flood Management Project Director, stated that was correct. He commented there were two different valuations of the property, and this was the lower of the two. He asked if the seller agreed to it, and Ms. Duerr confirmed that to be true.

Upon recommendation of Ms. Duerr, and Paul Urban, Truckee River Management Project Manager, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Commissioner Sferrazza absent, it was ordered that the following resolution be adopted and Chairman Larkin be authorized to execute the same:

**TRUCKEE RIVER FLOOD MANAGEMENT PROJECT
EARLY LAND ACQUISITION
RESOLUTION NO. 2004-1
(5205 Mill Street - Acquisition of Land)**

WHEREAS, On March 11, 2003 the Board of County Commissioners (BCC) approved the "Land Acquisition and Early Project Implementation Plan" for the Truckee River Flood Management Project; and

WHEREAS, On September 23, 2003 the BCC approved the "Early Land Acquisition Plan -- Real Property List," dated September 5, 2003, for the Truckee River Flood Management Project; and

WHEREAS, On September 23, 2003 the BCC approved an agreement with The Nevada Land Conservancy (NVLC) to purchase certain properties to implement the Early Land Acquisition Plan; and

WHEREAS, On September 14, 2004 the BCC approved a resolution approving the use of a list of appraisers for appraising land to be purchased by NVLC and assigned to Washoe County for use in the Truckee River Flood Management Project; and

WHEREAS, On November 8, 2005 the BCC approved the latest revision to the "Early Land Acquisition Plan — Real Property List" now being referred to as the "Flood Control Parcel List" and the parcel at 5205 Mill Street (Excel Building APN 012-271-09) is on this list; and

WHEREAS, Under their agreement with Washoe County to Implement the Early Land Acquisition Plan NVLC has negotiated a purchase agreement with the owners of the parcel at 5205 Mill Street, comprised of approximately 8.06 acres of land and a single-story tilt-up concrete panel building constructed in 1973; and

WHEREAS, as part of the implementation of the Early Land Acquisition Plan NVLC desires to assign the purchase of the parcel at 5205 Mill Street to Washoe County before the transaction closes;

NOW, THEREFORE, be it resolved that Naomi Duerr, the Director of the Truckee River Flood Management Department, is hereby authorized to execute and deliver any and all instruments and funds, including without limitation, contracts, agreements, notices, escrow instructions, deeds, leases, checks, and warrants as may be necessary or appropriate to accomplish the acquisition of the parcel at 5205 Mill Street in the name of and on behalf of Washoe County.

LEGISLATIVE ISSUES – LEGISLATIVE AFFAIRS

County Manager Katy Singlaub noted there was no information on this item; however, there would be a comprehensive report at the August 22, 2006 meeting.

REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS

Commissioner Weber commented on her involvement with the Reconstruction of the V & T Railway. She said the project continued to development and gain more land for the railway.

Commissioner Galloway announced he would be holding his monthly open meeting at Incline Village on August 11, 2006. He requested assistance from staff concerning questions on the policy about landscaping on public right-of-ways.

Chairman Larkin confirmed the Regional Planning Governing Board would be meeting on August 10th. He announced he would attend the Lake Tahoe Forum and a meeting concerning Incline Lakes on August 10th. He stated the Board of County Commissioners would not meet on August 15, 2006 due to the election, and he encouraged everyone to vote.

Commissioner Humke commented about a constituent's experience at the landfill. He provided the name and phone number to staff for follow up with Waste Management. He talked about David Pumphrey who served as a Douglas County

Commissioner in the past. Commissioner Humke said he was killed by a hit and run accident while riding his bicycle. He discussed the importance of safety on the roads, and he encouraged everyone to think of Mr. Pumphrey's family during this time.

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There being no further business to come before the Board, the meeting adjourned at 7:54 p.m.

ROBERT M. LARKIN, Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by
Stacy Gonzales and Lori Rowe
Deputy County Clerks*