

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

SEPTEMBER 18, 2018

PRESENT:

Marsha Berkbigler, Chair
Kitty Jung, Vice Chair
Bob Lucey, Commissioner
Vaughn Hartung, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
David Watts-Vial, Deputy District Attorney

ABSENT:

Jeanne Herman, Commissioner

The Washoe County Board of Commissioners convened at 10:22 a.m. 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:

18-0672 AGENDA ITEM 3 Introduction of new Washoe County Employees.

There were no new employees present for this item.

There was no public comment or action taken on this item.

18-0673 AGENDA ITEM 4 Presentation of Excellence in Public Service Certificates honoring the following Washoe County employees who have completed essential employee development courses.

John Slaughter, County Manager, recognized the following employees:

Essentials of Management Development
Misty Best, Public Defender's Office
Danielle Carlton, Treasurer's Office
Steve Clement, Assessor's Office
Angela Hopkins, District Attorney's Office
Theresa Kenneston, Library
Rigo Lopez, Assessor's Office

Essentials of SAP for Financial Staff
Aurora Ayala, Community Services Department

Pamela Matson, Comptroller's Office
Jennifer Pierce, Health Department
Kara Roseburrough, Health Department
Dawn Spinola, Health Department
Brian Stuart, Comptroller's Office

Essentials of SAP for HR Reps

Sandy Francis, Truckee Meadows Fire Protection District

Chair Berkbigler congratulated and thanked the employees. Mr. Slaughter noted hours of work went into engaging employees' development. He thanked the supervisors, managers, and department directors for giving employees the time to achieve this.

There was no public comment or action taken on this item.

18-0674 AGENDA ITEM 5 Public Comment.

Ms. Elise Weatherly expressed frustration with the human resources department at the El Dorado Resort Casino. She spoke about not signing a severance agreement and brought up concerns she had when she worked for the casino.

Mr. Pete Todoroff, Chair of the Incline Village Citizen Advisory Board (CAB), said he sent a request to Alice McQuone of the Community Services Department requesting that a memorandum of understanding be placed on the next CAB meeting agenda. Ms. McQuone replied CABs only heard applications for variances and special use permits. He stated the Board of County Commissioners could establish advisory boards for the purpose of gathering information about subjects on which the Board wished to receive advice. He cited numerous sections of the Washoe County CAB handbook on the topic of CABs and noted the code did not restrict CABs to hearing only variances and development issues as stated by County staff.

Mr. Adam Searcy, Chief of Facilities for the Washoe County School District, brought up concerns raised at a prior meeting about Lemmon Valley schools. He said most of the issues had been known by school staff and maintenance work orders or construction repair contracts were already underway. He reported all maintenance repairs were either completed or advanced significantly in the prior week. He mentioned citizens passed Washoe County Question 1 in 2016 and the District was working to address repair needs and overcrowding. He encouraged the public to visit the District's data gallery where information about those efforts were available. He lauded Lemmon Valley Elementary School for posting test results 10 to 20 percent higher than the District average, tripling the graduation rate for the State language assessment exam as compared to the 2016-2017 school year, and logging fewer disciplinary events than a typical elementary school in the District.

Ms. Tammy Holt-Still remarked she had requested all communications regarding the Prado Ranch development be conveyed to the Lemmon Valley Swan Lake Recovery Committee. She brought up a discrepancy between the planned unit development and what the Board had requested of the developer. She said the County spent \$250,000 to protect the water treatment plant from Swan Lake water but the holding ponds breached twice. She expressed concern about the algae growing on the water and the approval of the development.

County Clerk Nancy Parent mentioned she received public comment documents from Annemarie Grant, which she placed on file.

18-0675 AGENDA ITEM 6 Announcements/Reports.

Commissioner Jung requested a review of the County-wide Cost Allocation Plan to determine what it addressed and how it could be improved. She explained it was a cost-recovery measure enacted during the recession but she felt it could be more robust and understandable.

Commissioner Lucey announced one of the first Interbike shows in Reno, which would bring in more than 10,000 visitors and highlight the area.

Chair Berkbigler mentioned the region would also have Lime scooters, which would be a great improvement.

DONATIONS

18-0676 7A Accept a monetary donation in the amount of [\$10.00] from Mr. James Clawson to the Washoe County Health District's Vital Statistics Program retroactive from July 25, 2018; and if approved, direct the Comptroller's Office to make the appropriate budget amendments. (All Commission Districts.)

18-0677 7B Accept cash donation from the Grace Community Church of Reno, a non-profit religious organization, to the Washoe County Human Services Agency in the amount of [\$225,000] to support the expansion of the Women's Crossroads program and direct the Comptroller to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

18-0678 7C Accept a cash donation of [\$11,800.00] from Black Rock LLC] in support of increased demand for fire and emergency medical services associated with the "Burning Man" event and approve non-County Travel for volunteer fire fighter/emergency medical providers training; and if approved, direct the Comptroller's to make the appropriate budget amendments. Manager. (Commission District 5.)

- 18-0679** **7D** Approve the donation of a used 6 foot open cargo trailer [estimated value of \$500] and a 250 gallon propane tank [estimated value of \$600] from Bi-State Propane (Amerigas) to the Regional Public Safety Training Center to be used to transport propane to the training areas at the Center. Sheriff. (All Commission Districts.)

Commissioner Jung stated the County could not do everything it did without the support of its citizens. Commissioner Lucey thanked Grace Community Church for its donation, noting it would double the capacity for the Women's Crossroads program and help several vulnerable populations.

On the call for public comment, Ms. Elise Weatherly spoke about Agenda Item 7B and expressed concern about the separation of church and state. She felt non-profit organizations did not always give money to the correct people and wondered who was in charge of ensuring donations were used properly.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Items 7A through 7D be accepted.

PROCLAMATIONS

- 18-0680** **8A1** Proclaim September 2018 as National Preparedness Month.

Commissioner Lucey said the County played a major role in all County emergencies, and it tried to provide the best response possible for its citizens. He read and presented the Proclamation to Assistant County Manager Kate Thomas, who accepted on behalf of Regional Emergency Manager Aaron Kenneston.

- 18-0681** **8A2** Proclaim Washoe County as A Purple Heart County.

Commissioner Hartung stated the Board was able to assemble because of what veterans and active military had done to uphold the United States Constitution. He read the Proclamation and honored all the veterans in the Chambers.

- 18-0682** **8A3** Proclaim October 2018 as Sudden Unexpected Infant Death Awareness Month.

Commissioner Jung read and presented the Proclamation to Human Services Agency Director Amber Howell.

Ms. Howell commented it was the third year the Agency participated in this campaign. She noted the Agency partnered with the Women, Infants, and Children program and the Renown Pregnancy Center to help prevent unnecessary deaths. She reviewed a number of communication efforts made by the Agency over the prior year.

18-0683 **8A4** Proclaim September 2018 as Childhood Cancer Awareness Month.

Commissioner Jung read the Proclamation.

There was no public comment on the Proclamations listed above.

On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that Agenda Items 8A1 to 8A4 be adopted.

18-0684 **AGENDA ITEM 9** Recommendation to opt in to the class of claimants in Kane County v. United States (Case Nos. 17-739C and 17-1991C) to recover from the federal government funds that were not paid to Washoe County for fiscal years 2015, 2016, 2017 under the federal Payment In Lieu of Taxes program and to authorize and ratify the actions taken by the County Manager and the District Attorney (or their designees) in pursuing a claim in the case. District Attorney (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that the County opt in to the class of claimant and Agenda Item 9 be authorized and ratified.

PUBLIC HEARING

18-0685 **AGENDA ITEM 10** Public Hearing continued from August 28, 2018: Appeal of the Washoe County Board of Adjustment's denial of Special Use Permit Case Number WSUP18-0006 (Arrowcreek Middle School Grading). The project includes major grading of an area of approximately ±28.4 acres with ±247,980 cubic yards of cuts and ±251,748 cubic yards of fill and to allow slopes greater than 10 feet in height to facilitate the construction of a new Middle School. The Board of County Commissioners (Board) may affirm, reverse, or modify the decision of the Board of Adjustment. The applicant is Washoe County School District and property owner is United States of America. The site is on the north side of Arrowcreek Parkway, west of the intersection with Thomas Creek Road and east of Crossbow Court. The Assessor's Parcel Number is 049-010-29. The Master Plan Category is Suburban Residential (SR) and the Regulatory Zone is Low Density Suburban (LDS). The project is located within the Southwest Area Plan and within the South Truckee Meadows/Washoe Valley Citizen Advisory Board boundary. The request is authorized by WCC Chapter 110, Article 438 Grading and special use permit request comes under WCC Chapter 110, Article 810, Special Use Permit. Community Services. (Commission District 2.)

Commissioner Lucey stated the majority of the citizens at the meeting were present to discuss and hear the outcome of this hearing. He recalled there was discussion at the August 28 meeting about the project's challenges. He stressed there were no objections to the school itself but concerns about the process; it was why the item was continued. Additionally, one Commissioner was absent at the August meeting and this would allow her to provide input.

Commissioner Lucey noted the transference of the property from the United States Forest Service (USFS) to the Washoe County School District (WCSD) had not happened before the August meeting. He said he received hundreds of emails from citizens both in favor and in opposition to the project and heard the voiced concerns. After discussions with County staff, USFS staff, and WCSD staff, he felt the concerns were heard.

County Clerk Nancy Parent distributed two documents from the WCSD to the Board, copies of which were placed on file.

Angela Fuss of Lumos & Associates conducted a PowerPoint presentation and reviewed slides with the following titles: Direction from August 28th BCC Hearing; Land Acquisition; Community Meetings; Landscape Design; Rendering of Detention Basin, Example of Similar Detention Basin; Traffic Considerations; Fire Station Considerations; Conditions of Approval; and Findings.

Ms. Fuss explained the WCSD would acquire the property through a special grant that allowed the USFS to give land to a school, which could not be used for anything other than educational purposes. Of the 50 acres that would be transferred, the school would develop about 28 acres and the rest would remain as open space for use by the school. She stated special use permits (SUPs) were frequently submitted by an applicant who did not yet own the land. The applications themselves included two separate spaces for the owner affidavit and the applicant affidavit. She stressed the property would have to be owned by the WCSD once the building permit was approved. The recommended condition of approval tied to the building permit would provide assurance that nothing would happen on the site until the District owned the land. She referenced a letter from the USFS acknowledging they were working on finalizing the documentation and did not oppose to the request.

Ms. Fuss pointed out there had been 21 meetings about this project, including the one requested by the Board at the August 28 meeting. She noted one of the documents distributed to the Board was a response memo to the Thiel Engineering report, since there was not a chance to address it before the August meeting. She summarized the amount of storm water received by one particular concerned citizen would be cut in half by the project.

Ms. Fuss said the new roadway would alleviate traffic on Arrowcreek Parkway and it would be the WCSDs' responsibility to maintain it. She remarked a plan to address concerns about the fire station was developed after discussions with County

staff and the Truckee Meadows Fire Protection District (TMFPD). She mentioned the TMFPD had the ability to control the traffic signal if they needed to make a quick exit. She stated the SUP was for grading and it had nothing to do with use, though a school would be allowed.

Ms. Fuss stressed the plan not only complied with code requirements, it exceeded them. She said the drainage plan offered better protection for neighbors downstream. The traffic light and new, private road would be benefits of the project. She said 114 parking spots were typically required for middle schools; this project would provide over 500 spaces. She welcomed any questions.

Commissioner Lucey stated Arrowcreek Parkway shrunk from a four-lane road to two lanes between Thomas Creek Road and Wedge Parkway. He mentioned widening the highway was included in the Regional Transportation Plan, which had been approved by the Regional Transportation Commission, and was slated for construction between 2022 and 2026. He felt this would address many of the issues. Regarding concerns about the need to evacuate in an emergency, he said there were three options once residents came to the intersection of Thomas Creek Road and Arrowcreek Parkway.

Commissioner Hartung asked whether there was an easement plan for the two low density suburban parcels on the southeast corner of Crossbow Court. Adam Searcy with the WCSD pointed out Crossbow Court was almost as wide as Arrowcreek Parkway and the plan was to provide a dedicated right-hand turn lane into the site while maintaining a dedicated through lane. He said the private road was designed the way it was both for steepness considerations and to align with an existing intersection on Crossbow Court.

Commissioner Hartung asked whether the private road would be wide enough to allow parking as well as two-way traffic. Mr. Searcy said the flat portions of the road would be constructed in excess of forty feet wide to accommodate traffic and parallel parking on both sides. He added the road would narrow as the terrain became steeper but confirmed buses would have no problem passing through.

Commissioner Hartung inquired whether the schools in the area would stagger start times. Mr. Searcy replied both the pick-up and drop-off times for the new middle school, Sage Ridge School, and Hunsberger Elementary School would be staggered by twenty to thirty minutes.

Replying to Commissioner Hartung's query about moving the detention basin further south, Mr. Searcy responded the location of the basin was dictated by the natural topography. The onsite flows would be routed into that basin where it would be detained until it discharged in its historical pattern. He mentioned minor adjustments could be made to improve the situation for everyone. He added a hydrology report anticipated significant reductions in peak flows through the detention basin. He confirmed the plan anticipated storm water being discharged in its current drainage

alignment but there was always an opportunity to work on a new drainage alignment subject to private improvements being made.

On the call for public comment, the following people spoke in favor of approving the appeal for the school: Mr. Rick Wesley; Ms. Theresa Wesley; Mr. Sev Carlson; Ms. Erica Mirich; Mr. Gary Pestello; Mr. Richard Jay; Mr. Virgil Kayl; Mr. Jesse Bassett; Mr. Dennis Ivans; Ms. Teri Green; Ms. Gina Bratcher; Mr. Mark Venner; Mr. Kevin Annis; Ms. Jessica Patterson; Mr. Mano K; Ms. Sheryl Eilenfeldt; Ms. Amber Hughes; Mr. David Golish; Mr. Joe Ernst; Mr. Pablo Nava-Duran; Ms. Shelly Watson; Ms. Lori Rawson; Ms. Nhit Hernandez; Mr. Bruce Glassman; and Mr. Jon Fritzinger.

The above individuals provided the following reasons for their support: the need for children to have good educations, especially with the approval of new housing; the unfounded bias some citizens felt about children passing through their neighborhood; the fact that the considerations made by the Board of Adjustment were beyond their scope; the increase in property values for homes near new schools; a survey that illustrated 91 percent of home buyers cited school boundaries as the primary concern in their search; the building would be designed to withstand earthquakes; the passage of Washoe County Question 1 illustrated the will of the people to have more infrastructure for schools; the improvement of water drainage, fire evacuation routes, and access for fire vehicles; the alleviation of overcrowding in several schools; the reduced commute time for many students; a USFS survey that showed more than 88 percent of respondents favored the school; the money it would save the WCSD in transportation costs; the fact that only one school had been built in south Reno since Pine Middle School was built 50 years prior; and the belief that the District hired the proper, knowledgeable people to ensure the safety of the plan.

The following people spoke against approving the appeal for the school: Dr. Jennifer Brand; Mr. Robert Archie; Ms. Kimberly Gomez; Ms. Cynthia Edwards; Mr. John Gezelin, Esq.; Mr. Craig Meckley; Ms. Sophie Karadanis; Mr. Chuck Johnson; Ms. Pamela Netuschil; Mr. Dave Keyes; Ms. Mary Love; Mr. Louis Test; and Ms. Elaine Walker.

The above individuals expressed concerns including: not knowing the project was being proposed until July; the option of a nearby parcel of government-owned land which would require little to no grading; potential flooding concerns as a result of the project; the County's unwillingness to listen to the complaints of citizens at a recent meeting; a ruling the Nevada Supreme Court had made in the citizens' favor regarding flooding; the WCSD did not currently own the land where the school was to be built; the decrease in property values for those property owners downstream of the detention pond; the existence of earthquake faults on the property without knowledge of the extent or condition of those faults; the location of the detention basin on that fault line; the drainage plans were only conceptual plans; safety concerns about three schools letting students out at the same time; the WCSD's presentation of the wrong plan at the February 22 meeting; a lack of direct communication between the WCSD and the affected residents; and the lack of a maintenance plan for the detention pond.

The above individuals made the following suggestions: performing a subsurface geologic investigation of the project site to evaluate the potential for surface fault rupture hazards; utilizing three detention ponds instead of one; creating emergency access off of Arrowcreek Parkway; installing a storm drain system that would connect with the existing Arrowcreek storm drain system; and having the WCSD and the Commissioners meet directly with the homeowners.

Ms. Donna Santos was called but was not present to speak. Ms. Parent indicated Ms. Santos had turned in documents, which she placed on file.

Ms. Elise Weatherly asked who oversaw where the money from WC-1 was spent and told the Board she would not want to have to make a decision on this item.

Ms. Parent indicated Mr. Doug Clemens submitted an email in support of the school, a copy of which was placed on file. Additionally, Ms. Mirich, Mr. Venner, Mr. Annis, and Mr. Test provided documents which were placed on file with the Clerk.

Commissioner Lucey thanked the citizens for giving their opinion on the project and he emphasized the importance of the process, which would result in the best possible product. He corrected a public commenter and said he did visit the site. He pointed out the item was discussion about an SUP and a grading permit. He noted the WCSD would not be allowed to perform any studies on the subject property without a grading permit. Not only that, County staff would have the ability to review any plans regarding draining and access to ensure compliance. He remarked since the item's continuance at the August meeting, he spoke with the Regional Transportation Commission, County staff, and the WCSD about his concerns. Additionally he received the aforementioned letter from the USFS about the transference of property. He concluded by saying he was comfortable supporting the project.

Commissioner Hartung stated the nation was founded on schools, which were originally given one square mile in each township. He said the subject property was public land and the project was for the good of the public. He praised parents for their involvement in this issue.

Commissioner Hartung asked for clarification about the timing of the process. Director of Engineering and Capital Projects Dwayne Smith said an approval of the SUP would allow the WCSD to enter the site to address geotechnical and geophysical concerns, among other things. If approved, the plans would come to Mr. Smith's department, which would make adjustments as required. Regarding the detention basin embankment, his department would require an operation, maintenance, and inspection plan.

Commissioner Hartung inquired about the potential for offsite drainage improvements. Mr. Smith replied he met with Mr. Meckley and Mr. Meckley's engineer and he acknowledged there was an existing condition regarding drainage. He felt the

District's consultant demonstrated they would be able to reduce offsite flows with their onsite storm water approach. He added there could be additional considerations for offsite conditions and the culvert pipe under Arrowcreek Parkway. He opined the District's analysis was sound but admitted there was a desire to continue discussions about improvements. Any changes would come out of the building permit review process.

Commissioner Hartung asked whether there was a requirement for a seismic study or possible trenching. He noted he owned earthquake insurance for thirty years because the region was seismically active. Mr. Smith answered the project would be required to follow the Washoe County Building Code by identifying existing fault lines and submitting a report. The report would then be reviewed for conformance for certain features that would be incorporated into the final design.

Commissioner Hartung stated he supported the project.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried on a 4-0 vote with Commissioner Herman absent, it was ordered that the appeal be approved and the denial of Special Use Permit Case Number WSUP18-0006 (Arrowcreek Middle School Grading) be reversed. The approval was based on the Board's ability to make all four of the findings required by WCC Section 110.810.30, *Findings*.

Commissioner Lucey confirmed Ms. Julee Olander's statement that the motion included the conditions introduced by the applicant. The seconder agreed.

1:09 p.m. Commissioner Jung left the meeting.

18-0686 AGENDA ITEM 11 Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District per NRS 288.220.

County Manager John Slaughter indicated a closed session would be necessary. He suggested recessing the meeting after Agenda Item 13 and re-adjourning the meeting after the session.

18-0687 AGENDA ITEM 12 Public Comment.

There was no response to the call for public comment.

18-0688 AGENDA ITEM 13 Announcements/Reports.

There were no announcements or reports.

1:10 a.m. On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried with Commissioners Jung and Herman absent, it was ordered that the Board of County Commissioners' and the Board of Fire Commissioners' meetings recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

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1:24 p.m. There being no further business to discuss, the meeting was adjourned without objection.

MARSHA BERKBIGLER, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Derek Sonderfan, Deputy County Clerk*