



WASHOE COUNTY

Integrity Communication Service

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Attachment D
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STAFF REPORT

BOARD MEETING DATE: May 10, 2022

DATE: April 21, 2022

TO: Board of County Commissioners

FROM: David Solaro, Arch., P.E., Assistant County Manager
(775) 328-3623, dsolaro@washoecounty.gov

THROUGH: Eric Brown, County Manager

SUBJECT: Discussion and possible action by the Board of County Commissioners under section 7.2 Reconsideration, of the Board of County Commissioners Rules of Procedures, as requested by Commissioner Herman at the April 19, 2022, Board of County Commission meeting to reconsider the Board vote on April 12, 2022 for Master Plan Amendment Case Number WMPA21-0008 & Regulatory Zone Amendment Case Number WRZA21-0005 (Highland Village Phase II). This item pertains to item 18 in this same agenda. (Commission District 5.)

SUMMARY

The purpose of this item is for the Board to determine under their Rules of Procedures if they will re-consider the decision made by the Board on April 12, 2022, for Master Plan Amendment Case Number WMPA21-0008 & Regulatory Zone Amendment Case Number WRZA21-0005 (Highland Village Phase II) at the request of Commissioner Herman.

If the Board approves a motion to reconsider, a separate item properly noticed will be considered by the Board at this same meeting. If the Board does not approve a motion to reconsider the separate item will be removed from the agenda.

Washoe County Strategic Objective supported by this item: Economic Impacts, Meet the needs of our growing community.

PREVIOUS ACTION

April 19, 2022, Commissioner Herman requested an item for reconsideration of the Board vote to be heard at the next available meeting.

April 12, 2022, the Board held a public hearing to consider Master Plan Amendment Case Number WMPA21-0008 & Regulatory Zone Amendment Case Number WRZA21-0005 (Highland Village Phase II). The Board directed staff to work with the applicant on a Development Agreement to cap the property density at 5 dwelling units per acre.

AGENDA ITEM # _____

BACKGROUND

The Board of County Commissioners have Rules of Procedure that govern the decorum of the Board. While rarely utilized section 7.2 Reconsideration is a tool for the Board to reconsider items that have recently been adjudicated by the Board but has parameters around when and how the process can be utilized.

7.2 Reconsideration. A motion to reconsider any action taken by the Commission may be made only during the meeting at which the action was taken or at the next regularly scheduled meeting, within no more than twenty-five (25) days of the meeting at which the action was taken. A motion to reconsider must be made by a Commissioner who voted on the prevailing side of the motion being reconsidered, but a motion to reconsider may be seconded by any member of the Commission. A previous motion failing by virtue of a tie vote may be reconsidered upon motion of any Commissioner. If a motion for reconsideration relates to an item requiring legal notice, only the motion itself shall be debated and, if passed, reconsideration of the item continued to a future date to allow for the provision of legal notice.

Since this item may impact an item requiring legal notice, Washoe County staff have made legal notice and placed the accompanying item on this agenda for possible action depending on the outcome of the reconsideration vote.

FISCAL IMPACT

No fiscal impact identified.

RECOMMENDATION

It is recommended the Board of County Commissioners under section 7.2 Reconsideration, of the Board of County Commissioners Rules of Procedures, as requested by Commissioner Herman at the April 19, 2022, Board of County Commission meeting reconsider the Board vote on April 12, 2022, for Master Plan Amendment Case Number WMPA21-0008 & Regulatory Zone Amendment Case Number WRZA21-0005 (Highland Village Phase II). This item pertains to item 18 in this same agenda.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to reconsider under section 7.2 Reconsideration, of the Board of County Commissioners Rules of Procedures, as requested by Commissioner Herman at the April 19, 2022, the Board vote on April 12, 2022, for Master Plan Amendment Case Number WMPA21-0008 & Regulatory Zone Amendment Case Number WRZA21-0005 (Highland Village Phase II). This item pertains to item 18 in this same agenda."

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

TUESDAY

10:00 A.M.

MAY 10, 2022

PRESENT:

Vaughn Hartung, Chair
Alexis Hill, Vice Chair*, via Zoom
Bob Lucey, Commissioner
Kitty Jung, Commissioner
Jeanne Herman, Commissioner

Janis Galassini, County Clerk
Dave Solaro, Assistant County Manager
Nathan Edwards, Assistant District Attorney

The Washoe County Board of Commissioners convened at 10:02 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, County Clerk Jan Galassini called roll and the Board conducted the following business:

22-0330 **AGENDA ITEM 3** Appearance and presentation by Perry Di Loreto, President of the Board, Nevada Western Heritage Center Alliance, regarding the revitalization of the Reno Sparks Livestock Events Center property.

Perry Di Loreto, President of the Nevada Western Heritage Center Alliance Board, conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk, and reviewed slides with the following titles: Property Ownership and Management; A Community Effort; Events at Reno Sparks Livestock Events Center; What is the Nevada Western Heritage Center Alliance (NWHCA); Who is leading the NWHCA (2 slides); Why is this effort important; Economic Impact; The Plan; Map (2 slides); and Current Priorities.

Mr. Di Loreto said the purpose of his presentation was to garnish and gather community support for the revitalization of the Reno-Sparks Livestock Events Center (RSLEC). There had been discussions for many years about issues at the RSLEC and talks of relocating it to University Farms. In 2015, the Reno Rodeo Association (RRA) formed a Legacy Committee to research the issue and engaged with professionals to try and understand what the process would look like and potential sources of funding. He noted the RRA committed \$1 million while still meeting all of its philanthropic commitments to the community.

Mr. Di Loreto said many different events take place at the RSLEC besides the rodeo. He opined the facility had served the community and the western agricultural

heritage well, however, he opined it was time more attention was paid to the needs of the facility. He reviewed the Board of Directors and noted that Carrie Ann Sattler had been an active member for years, and she would be the 2024 President of the Reno Rodeo Association. He said the Board of Directors was looking for a neighborhood representative to join the board to act as an advisor.

Mr. Di Loreto said the facility had been allowed to deteriorate and maintenance was needed. He explained the methodology of the RRA was to first create the desire of the community to move forward. To do this, the RRA met with the Cities of Sparks and Reno and engaged with many community leaders. He noted the City of Sparks passed a unanimous board resolution in support of the RRA's efforts. He asserted that community support on a broad basis was important, and the RRA was presenting ideas for ways the facility could be used.

The RRA identified the money the State of Nevada received under the Recovery Act as a potential source of funding, Mr. Di Loreto said. He explained the RRA wanted the opportunity to present its case as to why the County and the Cities of Sparks and Reno should use the money for the RSLEC. He said the money would be an investment into community infrastructure and would bring a significant amount of business into the community. Studies done on the economic impact show a dollar-for-dollar return on investments. He noted facilities such as the RSLEC did not completely support themselves, however, there were other ways the facility generated revenue, such as tourism. He explained the Reno-Sparks Convention and Visitors Authority (RSCVA) subsidized the facility heavily and that would need to continue.

Mr. Di Loreto thought the RSLEC needed to be managed by a group that cared about and was attached to the facility. He opined there were several examples in the community of public infrastructure that was very well-managed, such as the Reno-Tahoe International Airport. It was well-managed, he explained, because it was a dedicated effort by the board members and president of the Airport Authority. He said the State and County handed management of the RSLEC off and there was a lack of continuity, interest, and ability to make the RSLEC well-functioning. He mentioned the Nevada Western Heritage Center Alliance (NWHCA) had been in discussions with the RSCVA about taking over the RSLEC on an interim basis until the current contract ran out in June, at which time negotiations could happen with the RSCVA. He opined this would forestall continued deterioration and allow for repair work and deferred maintenance to happen. He believed the RSLEC needed a dedicated authority and said that would have to come from the State.

Mr. Di Loreto said the first phase of the project would require a significant investment from the community in the amount of \$80 million. That amount would be updated to reflect inflation and supply chain interruptions. He noted the first phase of the project would not disturb the operation of the facility. He said the NWHCA would present to the State and return to the County and the Cities of Sparks and Reno regarding the matter. He asked the Board to consider a resolution and support the efforts for revitalization of the RSLEC.

Mr. Tom Dolan noted he had never been before the Board, but he believed in the revitalization of the RSLEC which was why he came that day. He joined the NWHCA to keep western heritage alive in Reno. He commented how he supported children and schools by donating millions of dollars to their causes, and he opined the revitalization project was equally as important because it would allow children to visit the RSLEC to learn about western heritage. He was raised in the area and had been doing business on Kietzke Lane for 47 years, and he expressed his love for Nevada and Reno. He explained it was important that the NWHCA got the support of the Board because it would allow the NWHCA to try and get money from the State. He believed State and federal money should be designated for the revitalization of the RSLEC. He mentioned he would be personally involved in the funding of the project and asked for a resolution from the Board showing its support. He encouraged the Board to contact him if any members had hesitation in approving a resolution. He felt the revitalization of the RSLEC was very important for the community and for the memories of those who had built this town.

Chair Hartung reminded the Regional Transportation Commission (RTC) was endeavoring in the Oddie and Wells project which would make that area a multimodal corridor. He said the Oddie project would go in the old Lowe's building and would help to gentrify that neighborhood. He believed the revitalization of the RSLEC would help to gentrify its neighborhood and create jobs. He noted the revitalization would not be easy, but it would be worth it. He wondered how old the Reno Rodeo was and Commissioner Lucey responded it would be 103 that year. Chair Hartung opined many people knew Reno because of the Reno Rodeo and said this was an important project.

As the Chairman of the RSCVA, Commissioner Lucey said the revitalization of the RSLEC was a challenge the RSCVA had been trialed to resolve for some time. The challenge, he explained, was the economic capability of the RSCVA to manage the facilities. He noted it was unique in the region for a convention and visitors bureau to own and operate its own convention center, as well as three additional facilities. The RSCVA found itself in a unique position trying to keep up with the deferred maintenance on the buildings. Through the economic downturn and the pandemic, it had been an issue to revitalize the RSLEC, however, it was time to look at what could be done. In addition to the Reno Rodeo, the RSLEC held many equestrian events and youth sporting events.

Commissioner Lucey opined the Board needed to be focused on cooperative extension. He noted one of the big focuses for cooperative extension was 4-H. He mentioned 4-H utilized the RSLEC for shows and different events. He had discussions with the Dean of the College of Agriculture, Biotechnology, and Natural Resources Bill Payne regarding food, wine, and different things to highlight the heritage of Northern Nevada. He noted that Nevada was developed as a pioneer state and settled by ranchers, farmers, and sheep herders. Many of the families who settled in the region were still represented in the area. He opined it was important to preserve the heritage of the community.

Commissioner Lucey said many equestrian facilities across the country were very successful. He noted a facility in Scottsdale, Arizona, called WestWorld was

very successful and was operated by an independent association. He opined it was beneficial to Northern Nevada that it was situated on I-80, which was one of the main corridors for every major city in the Western United States. He said the RSCVA had the availability to continuously evolve what it was doing, and it was fully behind the revitalization of the RSLEC. He had been a tireless advocate for the Reno Rodeo and the events that happened at the RSLEC. Many symbiotic relationships could be nurtured and developed between the university, the Cities of Sparks and Reno, the State, and the local tourism board to continue to evolve facilities in the region beyond their intended uses. The RSCVA's new approach and part of its strategic plan was to be more committed and involved with the community. He opined many individuals in the community were not familiar with what the RSCVA did, and the RSCVA needed to re-establish its identity. He hoped the Board would put forth a resolution to show its continued support for the NWHCA's mission and efforts. He noted that financial investments for the project would be a challenge due to limited recovery funds and needs across the community, however, he thought it would be a travesty for the community to lose its history and heritage.

Chair Hartung said the matter of a resolution could be formally brought up during Agenda Item 5. He recalled the many events the RSLEC held and mentioned several of the events could only be held at a place like the RSLEC. Commissioner Herman thanked the speakers for bringing the matter to the Board's forefront. She opined Reno had lost something and appreciated the chance for Reno to become the real Reno again.

Commissioner Jung noted the RSLEC was in her district, and she was excited the RTC was taking the time to improve the corridor and create economic vitality and neighborhood revitalization. She agreed the facility had been badly neglected and thought it was a tragedy that occurred because it was a great piece of property. She believed the RSLEC was a banner place of the community and said she would hate for the property to become subdivisions. She thanked Commissioner Lucey as the Chairman of the RSCVA, and she opined he had made a real effort to improve the RSCVA's image and participation in the community to ensure children's sporting events had a place to be held. She opined youth events brought people from all over the State to the County and provided a marketing opportunity for the RSLEC. She said it was important for locals to have an insider's approach to events and venues so they could inform visitors. She mentioned there was a reputation in the rodeo groups that Reno was the place to do a rodeo, and she thought it was important to build on that reputation.

Commissioner Jung suggested building a parking garage and charging for parking on the RSLEC property. She opined County employees would pay for parking at a garage located on the RSLEC property. She said the NWHCA should start looking for a neighborhood stakeholder again and thought Washoe 311 or Reno Direct could help identify people who were active in that neighborhood. She thought the NWHCA should present the revitalization of the RSLEC as redevelopment and reinvestment into the community. She stated she would work with the NWHCA and go to the Legislature regarding the revitalization of the RSLEC. She opined Washoe County should be branded as the rodeo community of the world, and she requested the Gay Rodeo return to the

RSLEC because it brought a lot of different people to the area. She thanked Mr. Dolan for his contribution to the community.

Chair Hartung noted there were plans to build a parking garage on the property, and Mr. Di Loreto said it had been planned for Phase 3 of the project.

Commissioner Lucey said the County tried to be a community partner to the RSCVA because the RSLEC was owned by the State, but the County held the land lease. He said County staff, including Assistant County Manager Dave Solaro, were involved with projects that resulted in the old armory building being removed. The RSCVA played a major part, in conjunction with the Reno Rodeo, in removing the old exhibit hall to allow for future expansion outside of the arena. He noted the investments made were small and not significant enough. He believed talks about a public-private partnership needed to happen to get community participation and contributions.

Commissioner Lucey noted the financials of the Capital Improvement Plan for the next five years only allocated \$1.5 million each year to the RSLEC. He opined that the amount was not enough to cover the deferred maintenance on the facility and said a way to offset the expenses needed to be found. He thought the RSLEC held great events, but not enough had been done to support the property. He believed the County should push the RSCVA harder to spend money on the RSLEC. He reminded that the RSCVA started as the Washoe County Fair and Recreation Board and its job was to provide a location for the fair and provide recreation for the community. He opined the RSCVA had shifted from that goal to the goal of how to entice people to come to the Reno Tahoe area. He noted that was not a bad thing because room tax supported the economic plan of the RSCVA, but that did not mean the RSCVA could not have a different focus in the future. He said the RSCVA had great relationships with the university and the advisory board members were strong advocates for the community. He wanted to see the community grow and thought the Board needed to show commitment and support to the community and its future.

Chair Hartung appreciated all the hard work that had been done behind the scenes for the RSLEC. He noted he had funding ideas to share with Mr. Di Loreto. Mr. Di Loreto and Mr. Dolan thanked the Board for its time. Chair Hartung asked for a moment of silence for Assemblyman and Commissioner Judge David Humke who had passed away unexpectedly.

22-0331 **AGENDA ITEM 4** Public Comment.

Ms. Elise Weatherly said she did not have enough time to speak about everything that was on her mind. She discussed how she overcame her medical issues with spirituality. She opined a person's value could not be based on their sexuality or attractiveness, and she could not take vengeance on others because it was not her place to do so.

Mr. Kleber DaSilva said the time of the Board of County Commissioners' meeting was inconvenient for people in the community who had to work to feed their

families. He was against the development in Lemmon Valley because it would make the flooding worse. He said developers continued to build when nothing had been done in Lemmon Valley to prevent flooding.

Mr. Mark Neumann was running for a seat on the Sun Valley General Improvement District and asked for the support of the Board. He requested the Board's support for an open seat on the Planning Commission north of the Truckee River. In the past, he coached baseball, softball, and soccer, and was a ski instructor. He stated he was interested in doing what was best for the youth and the community.

Ms. Donna Robinson protested the Prado Ranch extension and said she represented several people who could not attend the meeting that day. She said the Prado South project was denied by the City of Reno for not meeting the master plan, and she opined property in Prado North would be affected by the 100-year floodplain. She believed the development would cause more clustering with less usable acreage. The traffic study, she explained, had been completed in July 2018 during a time there was no school traffic to impact the study. She noted on many occasions the response time for medical and police was 16 to 18 minutes, which was double what it should be. She said the engineers of the project stated if flooding went under Lemmon Drive, the County would be responsible for the damage.

Mr. Keith Lockard spoke about the passing of former Washoe County Commissioner and Judge David Humke and recalled the special bond they had. He noted Judge Humke was well respected by many people because he did his job quietly and effectively. Judge Humke, he said, always sought to improve the lives of children and families. He hoped family and friends would hold a public celebration of life to give Judge Humke the recognition he deserved.

Mr. Wayne Gordon commented on the lack of public parking for the public meetings. He opined the lack of parking violated the Open Meeting Law. He noted the voter integrity issue was real and several constituents had asked for solutions, but the Board had done nothing to resolve the issue. He said a member of the Board filed a lawsuit against their opponent and the lawsuit was overturned. He opined the citizens would pay for the fees associated with the lawsuit and wondered what the County would do to recover those fees.

County Clerk Jan Galassini stated an email received from Ms. Ann Silver would be placed on file.

22-0332 **AGENDA ITEM 5** Announcements/Reports.

Assistant County Manager Dave Solaro noted there were some items on the agenda where it appeared like the County was allocating millions of dollars towards homelessness initiatives. He explained the request in Agenda Item 7 for additional American Rescue Plan Act (ARPA) money was due to the increasing cost of construction-related services for projects that had already been allocated by the Board of County

Commissioners (BCC). Agenda Items 8, 9, and 10, he advised, were the award of the contracts for the actual construction of the Safe Camp and Our Place projects, which had previously been allocated by the Board. He said the process the Board utilized had multiple public touch points. The Board first allocates the budget for a project, then it awards bids for anything over \$100,000. As a result of this process and the speed at which it happens, it could appear like the staff was constantly before the Board asking for funds when in actuality, it was the same money being spent.

Commissioner Herman mentioned the Board had received an email from Ms. Tracy Thomas regarding the 20-point Election Integrity Bill. She opined Ms. Thomas had done a wonderful job explaining the reason for the items listed in the bill. She wondered whether the Board had thoughts regarding the matter, and she mentioned the possibility of bringing it before the public.

Commissioner Jung said she and Commissioner Lucey had attended an Earth Day event at Idlewild Park, and Commissioner Lucey read the proclamation from the Board in support of the kickoff for Earth Day. She reminded it had been three years since an Earth Day event had been held, due to COVID-19. She noted the large number of people that showed up for the event and opined the public was looking to attend special events this year.

Commissioner Jung mentioned she attended a Regional Sustainability Team event at the North Valleys Regional Park. She explained the Regional Sustainability Team was an extension of the Regional Green Team that she created in 2007. She noted the event was held to plant trees to provide shade for the skate park. She said the event was covered by the media and Washoe County Recorder Kalie Work and Washoe County Sheriff Darin Balaam participated in the event.

Commissioner Jung said there was a large turnout for the Senior Fair and the fair had many vendors and a lot of information. She congratulated the Senior Services Advisory Board for organizing the Senior Fair. She mentioned the Older Americans Month book was finished and listed activities for seniors during May. She opined the information in the book should be given to the local press next year so seniors could have a physical copy.

Commissioner Jung attended the Open Space and Parks Commission (OSPC) meeting and noted there would be recommendations coming to the Board from issues the OSPC discussed. She opined the Board should be proud of the people it appointed to the OSPC because it was an active board with knowledgeable people. The OSPC reviewed the Master Plan for the Hidden Valley area, and those recommendations would come to the BCC in the future. She thought the OSPC had provided great recommendations on how it expected the park in Hidden Valley to transform based on surveys from the community. She was part of the team that reviewed the Master Plan and asked the Board to contact her with any questions.

Commissioner Jung expressed her sadness upon hearing about the passing of Judge David Humke. She said he was a great friend and colleague, and she shared a story about his time serving on the Board.

Commissioner Lucey said Judge Humke served as a Commissioner for District 2 for 12 years and led the BCC with gracefulness and diligence. He noted Judge Humke had been a mentor to him and walked him through various challenges and initiatives. He was devastated to hear of Judge Humke's passing and sent condolences to Judge Humke's family. He said Judge Humke was a tireless advocate for the parks system and fought alongside Councilwoman Bonnie Weber to build parks throughout the community. Commissioner Lucey said he recognized the importance of investment in the parks system.

Commissioner Lucey wondered about the number of parks in the County. He opined staff did a wonderful job with the parks system, but the Board needed to continue to advocate for it. He noted how much the parks had improved since he was a child. He opined the parks in Washoe County helped unify the community and provided a place for families to come together.

Commissioner Lucey mentioned the Reno River Festival was held the previous weekend and the County was moving into its summer festival season. He listed several events coming to the area. He requested a resolution in support of the Nevada Western Heritage Center Alliance for its mission and goals. Chair Hartung asked Assistant District Attorney Nathan Edwards whether an agenda item was needed to contemplate Commissioner Lucey's request. Attorney Edwards responded the resolution could come back as an agenda item for discussion.

Chair Hartung said Judge Humke was a fellow commissioner and a good mentor to him. He thanked the Board for acknowledging Judge Humke and thought he would be sorely missed. He informed Commissioner Herman that he had not received an email from Ms. Thomas.

Chair Hartung advised that Spanish Springs was still having major issues with catalytic converter thefts. He asked for an agenda item to have Sheriff Darin Balaam discuss catalytic converter thefts and how to prevent them. He noted the thefts were occurring all over the County. He opined an ordinance could be enacted for individuals found with a catalytic converter without a permit to move it. He thought the issue might be something the County could take to the Legislature.

Mr. Solaro informed Commissioner Lucey that the County had 49 developed parks and 10,000 acres of open space.

Commissioner Jung said deputies from the Washoe County Sheriff's Office spoke to the Sun Valley Citizen's Advisory Board and explained that catalytic converter theft was a regional issue. She said the deputies recommended that citizens back their vehicles into their driveway to make it harder for the catalytic converter to be stolen. She

opined Sheriff Balaam could clarify that information when he appeared before the Board next.

Commissioner Lucey requested the Board, through the Regional Transportation Commission, address the needs of Golden Valley Road into West 7th Street. He mentioned Quartz Lane had constant problems with recreational vehicles being abandoned. He thought the Sun Valley General Improvement District had done a good job maintaining the community, but it was the responsibility of the County to support the roads around West 7th Street into Golden Valley Road. He opined the roads were heavily traveled and did not get the attention needed.

Chair Hartung said the Truckee Meadows Water Authority held its Smart About Water event the previous Saturday at the Lazy 5 Regional Park and it was well-attended. He mentioned Senior Hydrologist Bill Hauck would give a presentation to the Board in the future. He noted the last time he checked, there were no used drought reserves for the current year. He believed the County had saved 61,551-acre-feet in upstream storage because of the Truckee River Operating Agreement. He opined that storage was extremely important for the region to ensure there was a consistent water supply.

CONSENT AGENDA ITEMS – 6A1 THROUGH 6E1

- 22-0333** **6A1** Recommendation to approve a Lease Agreement between Washoe County and Polygrarian Institute dba Reno Food Systems, a Nevada 501(c)(3) nonprofit organization, for continued use of a five-acre parcel at Betsy Caughlin Donnelly Park (3295 Mayberry Drive, Reno, Nevada/Assessor's Parcel Number 009-742-01) for a 5-year term, with one renewal term of five (5) years, commencing on May 15, 2022, as authorized under Nevada Revised Statute 244.284. Community Services. (Commission District 1.)
- 22-0334** **6A2** Recommendation to approve Amendment No. 2 to Golf Management License and Services - Wildcreek Golf Course between Washoe County and MAZZ Golf Management to amend the term effective June 23, 2020 through December 31, 2022, retroactive to January 1, 2022. Amendment No. 2 extends the current license and services agreement for MAZZ to operate the golf course while the transfer of the golf course from Washoe County to Northern Nevada Youth Golf Foundation, d/b/a (doing business as) First Tee of Northern Nevada if finalized. Community Services. (Commission District 3.)
- 22-0335** **6A3** Recommendation to grant a Slope and Landscape Easement totaling ±13,017 square feet and a Temporary Construction Easement totaling ±78,439 square feet, pursuant to Nevada Revised Statute 244.137, to Toll North Reno, Limited Liability Company, on Assessor's Parcel Number 083-024-06, commonly known as Lazy 5 Regional Park, for the purposes of constructing and maintaining a 3:1 landscaped slope to support the

neighboring Stonebrook West housing development, as well as associated mitigation in the form of trail construction. Community Services. (Commission District 4.)

- 22-0336** **6B1** Recommendation to acknowledge receipt of the Interim Financial Report for Washoe County Governmental Funds for the Nine Months Ended March 31, 2022. The Interim Financial Report reflects that Total Governmental Fund Balances increased \$116 million year to date and increased \$115 million when compared to last year this time. Total Governmental Revenues are up \$72 million over the prior year and Total Governmental Expenditures increased \$60 million over the prior year. - Unaudited. Comptroller. (All Commission Districts.)
- 22-0337** **6C1** Recommendation to approve Commission District Special Fund disbursement, pursuant to NRS 244.1505, in the amount of [\$10,000.00] for Fiscal Year 2021-2022; District 3 Commissioner Kitty Jung recommends a [\$10,000.00] grant to Washoe County Community Services Department, Regional Parks and Open Space -- a government entity -- for the purpose of supporting the professional production of a 20-minute mini-documentary video highlighting Rancho San Rafael's 40-year history; and for the purpose of commissioning a local artist to create a pollinator themed sculpture for "The Hive" area in the center of the garden at Rancho San Rafael Park; approve Resolutions necessary for same; and direct the Comptroller's Office to make the necessary net zero cross fund and/or cross function budget appropriation transfers. Manager's Office. (Commission District 3.)
- 22-0338** **6C2** Recommendation to approve an Agreement for Professional Services between Washoe County and Washoe Legal Services to operate a Housing Stability Self-Help Desk at the Reno Justice Court with term of agreement from May 11, 2022 to September 30, 2022 and professional services and associated costs billable on a monthly basis [not to exceed \$135,175.00 of Emergency Rental Assistance allocation from the U.S. Department of the Treasury]; authorize the Purchasing and Contracts Manager to execute the agreement. Manager's Office (All Commission Districts.)
- 22-0339** **6D1** Recommendation to: (1) appoint Thuy Tran [District 2] to the Washoe County Senior Services Advisory Board for the remainder of the term ending March 31, 2023; (2) appoint Mavis Kay Bonzer [District 1] for remainder of the term ending October 31, 2024; (3) appoint Konandaraman Venkataraman [District 2] for the remainder of the term ending February 28, 2023; and (4) appoint Jane Baudelair [District 4] for the remainder of the term ending October 31, 2024. Applicants include: Thuy Tran, Mavis Kay Bonzer, Konandaraman Venkataraman, and Jane Baudelair. Human Services Agency. (All Commission Districts.)

22-0340 **6E1** Recommendation to accept Treasurer’s status report for the period ending April 30, 2022, of payment of refunds and interest since last update in the amount of \$1,984,479.45 on certain property tax overpayments for residential properties at Incline Village/Crystal Bay, in compliance with the October 21, 2019 Order issued by the District Court in Village League to Save Incline Assets, Inc., et.al. vs. State of Nevada, et.al., Case No. CV03-06922, as modified and clarified by the settlement agreement regarding the processing of refunds. Treasurer. (All Commission Districts.)

Commissioner Lucey acknowledged Commissioner Jung’s discretionary fund donation in Agenda Item 6C1. He opined the parks system was utilized by many citizens and Commissioner Jung had been an advocate for the Open Space and Regional Parks Commission.

There was no response to the call for public comment on the Consent Agenda Items listed above.

On motion by Commissioner Jung, seconded by Commissioner Lucey, which motion duly carried on a 4-0 vote with Vice Chair Hill absent, it was ordered that Consent Agenda Items 6A1 through 6E1 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 6A1 through 6E1 are attached hereto and made a part of the minutes thereof.

BLOCK VOTE – 7 THROUGH 15

11:32 a.m. Assistant District Attorney Nathan Edwards left the meeting.

***11:36 a.m.** Vice Chair Hill arrived.

22-0341 **AGENDA ITEM 7** Recommendation to approve amended allocations of American Rescue Plan Act (ARPA) funds through the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund (SLFRF) for the following projects: 1. Safe Camp Capital project in a total amount of \$4,693,132 (an increase of \$193,132 over the \$4,500,000 allocated and approved by the Board on July 20, 2021) 2. Our Place Enhancements project in a total amount of \$926,477 (an increase of \$476,477 over the \$450,000 allocated and approved by the Board on December 14, 2021), and 3. Our Place Community Garden Fencing project in a total amount of \$164,377 (an increase of \$34,377 over the \$130,000 allocated and approved by the Board on December 14, 2021), and direct the Comptroller’s Office to make necessary net zero cross-fund and/or cross-functional budget appropriation transfers. Manager's Office. (All Commission Districts.)

There was no response to the call for public comment.

Commissioner Herman noted her initial alarm at seeing the number of funds in Agenda Item 7, and she thanked Assistant County Manager Dave Solaro for explaining the distribution of the ARPA funds. Chair Hartung said he requested an explanation during the meeting because the amounts had also concerned him.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 7 be approved and directed. The Interlocal Contract for same is attached hereto and made a part of the minutes thereof.

22-0342 **AGENDA ITEM 8** Recommendation to approve a Professional Consulting Services Agreement between Farr West Engineering and Washoe County for the Safe Camp Facility to provide Project Engineering Services including Design, Bidding and Permitting, Construction Surveying, Construction Observation, Materials Testing Subconsultants and Value Engineering Services [in the amount of \$193,132.00] commencing on May 10, 2022. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 8 be approved.

22-0343 **AGENDA ITEM 9** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Our Place - Site Improvements Project [staff recommends Sullivan Structures, LLC., in the amount of \$541,487.00]. This project will design and construct landscaping and repair existing exterior finishes to the existing buildings at the Our Place Campus located at located at 605 S 21st St, Sparks, NV 89431. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 9 be awarded and approved.

22-0344 **AGENDA ITEM 10** Recommendation to award a bid and approve the Agreement to the lowest responsive, responsible bidder for the Our Place Site Improvements - Fencing Project [staff recommends Sullivan Structures, LLC., in the amount of \$548,817.00] for construction of perimeter security fencing around the leased area of the Our Place Campus located at 605 S 21st St, Sparks, NV 89431, with additional fencing around the Community Garden Areas. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 10 be awarded and approved.

22-0345 **AGENDA ITEM 11** Recommendation to approve a Professional Consulting Services Agreement between Washoe County and Van Woert Bigotti Architects for the Nevada Cares Campus Improvements Phase 2, 3 and 4 design development to include architecture and interior design, civil engineering, mechanical engineering, electrical engineering, structural engineering and kitchen design, construction documents, conditional use permit support, permitting support, bidding support and construction administration [in the amount of \$4,203,439.00] and commencing on May 10, 2022. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 11 be approved.

22-0346 **AGENDA ITEM 12** Recommendation to authorize Clark/Sullivan Constructors, Inc., doing business as, Clark Sullivan Construction as the Construction Manager-At-Risk (CMAR) and approve Guaranteed Maximum Price (GMP) Agreement 1 for Phase 2 to construct restroom, shower & laundry facilities, concrete floor sealing in the sprung structure and provide and install personal living cubicles for the NV Cares Improvement Project, located at 1800 Threlkel Street [in the amount of \$12,148,912.00] and commencing on May 10, 2022. Community Services. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 12 be authorized and approved.

22-0347 **AGENDA ITEM 13** Recommendation to award Bid No. 3175-22 for Water and Wastewater Treatment Chemicals, on behalf of the Community Services Department Utility Services Division and on a requirements basis to Olin Chlor Alkali Products, [in the estimated annual amount of \$382,250.00] and to Thatcher Company of Nevada, Inc., [in the estimated annual amount of \$21,600.00]; and authorize the Purchasing and Contracts Manager to execute the necessary purchase orders over the award period commencing July 1, 2022 through June 30, 2023, with the provision for

two, one year extensions at the County's option. Community Services. (Commission District 2.)

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 13 be awarded and authorized.

22-0348 **AGENDA ITEM 14** Recommendation to authorize MWH Constructors and KG Walters Construction (MWH&KGW), a joint venture, as the Construction-Manager-At-Risk (CMAR) and approve a Guaranteed Maximum Price Agreement (GMP) 3C for the Early Equipment Procurement Package associated with the South Truckee Meadows Water Reclamation Facility 2020 Expansion Project, in the amount of [\$9,792,598.00]. Community Services. (Commission District 2.)

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 14 be authorized and approved.

22-0349 **AGENDA ITEM 15** Recommendation to approve a one-year extension to the original Request for Proposal (RFP) No. 3086-19 for Medical Services-Washoe County Personnel, ARC Health and Wellness Centers, in the estimated annual amount of [\$294,321], on behalf of the Sheriff's Office, and authorize the Purchasing and Contracts Manager to execute a one-year extension, July 1, 2022, through June 30, 2023, at the discretion of the County. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Commissioner Lucey, seconded by Commissioner Jung, which motion duly carried on a 5-0 vote, it was ordered that Agenda Item 15 be approved and authorized.

22-0350 **AGENDA ITEM 16** Introduction and first reading of Washoe County Code Chapter 95, governing parks and recreation; repealing the entire existing Chapter 95, and enacting a new ordinance that revises and replaces Chapter 95 provisions governing parks and open space, including but not limited to the Definitions applicable to the chapter, Open Space and Regional Parks Commission, Powers and Duties of the Director, Enforcement of the chapter, use of vehicles and non-motorized vehicles, domestic animals, and visitor conduct. The proposed ordinance amends provisions regarding the Open Space and Regional Parks Commission to

reflect applicable Nevada law; gives the Director power to designate employees as enforcement officials, appoint personnel authorized to collect fees, and approve special activity permits in certain circumstances; grants the Regional Parks and Open Space Commission authority to approve and establish a schedule of proposed fees for park facilities, recreation programs and special events and activities; establishes a requirement for a group use permit for activities involving more than 25 persons; expands provisions regarding concession/commercial operations in county parks, establishing a requirement for a permit; establishes a permit requirement for commercial/professional filming and photography to incorporate the previously enacted policy exempting small scale photography and filming from the permit requirement; allows use of unmanned aerial apparatuses (drones) if nondisturbing and nonthreatening, and allows the Director to prohibit use of drones in parks or portions of county parks; enacts provisions regarding use of operator-propelled vehicles including bicycles and electric bicycles in parks, granting the Director discretion to prohibit such use and requiring operators to restrict speed and safely operate the vehicle; expands the Director's ability to prohibit smoking, fires, or any open flames based on fire risk and weather conditions; prohibits pyrotechnics and liquid or solid fuel model rockets in county parks; generally prohibits smoking and vaping in parks, but allows the Director to designate specific smoking areas; clarifies provisions regarding camping, including granting the Director authority to limit or prohibit certain recreational vehicles based on conditions and characteristics of individual campsites; requires appropriate food storage on campsites; clarifies that persons lawfully camping may gather downed deadwood for lawful campfires; and establishes provisions regarding enforcement including that it is unlawful to violate a provision of the chapter, allows for an enforcement official to exclude a person violating the chapter from county parks with appropriate notice, grants citation power to enforcement officials, establishes criminal and civil penalties with appropriate notice. And, if introduced, set the public hearing and second reading of the ordinance for May 24, 2022. Community Services. (All Commission Districts.)

Janis Galassini, County Clerk, read the title for Bill No. 1877.

11:40 a.m. Assistant District Attorney Nathan Edwards returned.

Operations Division Director Eric Crump conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk, and reviewed slides with the following titles: An Ordinance; Background; and Summary of changes. Parks Operations Superintendent Colleen Wallace-Barnum conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk, and reviewed slides with the following titles: Summary of Changes (3 slides); The three classes; Summary of changes; and Staff Recommendation. Ms. Colleen Wallace-Barnum noted the reduction of

required meetings was consistent with other park commissions in the region and would allow for some of the approvals to stay at the park commission level.

Chair Hartung asked whether a person could ride a non-electric, regular bicycle more than 20 miles per hour. Ms. Wallace-Barnum replied yes and explained that electric bicycles had governors that kept their speed at 20 miles per hour.

Commissioner Lucey opined it was important to allow additional enforcement due to the growing population within the parks and the significant amount of open space that backed up to communities. There was a definite need for the rangers to have the ability to enforce rules and policy. If someone were to get injured within those open spaces the liability would fall on the County, he explained. He noted electric bicycles going down a trail could be just as dangerous to pedestrians as a motorcycle going down a trail. He wanted the public to be aware that this update to the Code was not intended to limit the use of equipment, but to make citizens who were using equipment more cognizant on single-track trails.

Vice Chair Hill opined the changes were great improvements to the existing park ordinances. She noted the challenges Incline Village had with electric bicycles on trails, and she thanked staff for working with her to find the best ways to regulate electric bicycles. She was excited for the ordinance to pass so staff could begin researching which trails electric bicycles were appropriate for.

Chair Hartung said there was difficulty determining which bicycles were motorized and asked how staff would make that determination. Ms. Wallace-Barnum said staff would make their best determination based on their knowledge of the different classes of bicycles. She acknowledged bicycle trends changed quickly so staff would need to keep a close watch on changes.

Chair Hartung asked whether the same rules and regulations would be applied to mountain bicycles on trails and walkways. Mr. Crump replied that was a question staff had struggled with, and he noted Washoe County Code Chapter 95 currently called for responsible use of regular and electric bicycles on any trail. He said that regulation was mirrored in the recommended new Washoe County Code Chapter 95. He opined most people were cognizant of the class of bicycle they had and said the ordinance would rely heavily on individuals following the rules. He explained the updates recognized that electric bicycles were a new use and had rights to certain trail systems. He noted many trails in the County led into city, State, and federal land, and as a result, the County struggled to stay consistent with the regulations of other entities.

There was no response to the call for public comment.

Bill No. 1877 was introduced by Commissioner Lucey, and legal notice for final action of adoption was directed.

22-0351 **AGENDA ITEM 17** Discussion and possible action by the Board of County Commissioners under section 7.2 Reconsideration, of the Board of County Commissioners Rules of Procedures, as requested by Commissioner Herman at the April 19, 2022, Board of County Commission meeting to reconsider the Board vote on April 12, 2022 for Master Plan Amendment Case Number WMPA21-0008 & Regulatory Zone Amendment Case Number WRZA21-0005 (Highland Village Phase II). This item pertains to item 18 in this same agenda. Manager's Office. (Commission District 5.)

Assistant County Manager Dave Solaro noted Agenda Item 18 was a companion item to Agenda Item 17 and it would be heard if the Board voted to reconsider Agenda Item 17. He informed that the community had been properly notified of the item being heard. Chair Hartung asked Assistant District Attorney Nathan Edwards to explain the process for the reconsideration. Attorney Edwards said Rule 7.2 was adopted by the Board to deal with situations where a member of the Board thought an item should be reconsidered. It had been requested by Commissioner Herman at the previous meeting that this matter be brought back to the Board for reconsideration. If the Board voted not to reconsider the item, Agenda Item 18 would not be heard. If the Board voted to reconsider the matter under Agenda Item 17, then the Board would move into Agenda Item 18 and rehear the master plan and zoning amendments.

On the call for public comment, Mr. Ken Krater stated he was available for any questions the Board had.

Commissioner Herman said she asked for a reconsideration of the Board's April 12, 2022, vote regarding Master Plan Amendment Case Number WMPA21-0008 and Regulatory Zone Amendment Case Number WRZA21-0005. She asked for the reconsideration under Section 7.2 of the Board of County Commissioners' Rules and Procedures. Vice Chair Hill said she would like to hear from the developer for the project.

Mr. Ken Krater said he understood the Board's desire for a density cap. After meeting with County staff regarding the matter, he realized zoning was a better tool than a development agreement to cap the density on the property. He proposed the addition of medium-density suburban along with high-density suburban zoning. He opined zoning would cap the density in a better manner than a development agreement. He said approximately 10 acres would be high-density suburban and 4.7 acres would be medium-density suburban. This, he explained, would cap the maximum density of the project at 4.57 dwelling units per acre, which was under the 5 volumes per acre the Board had discussed previously. He opined zoning was stronger than a development agreement and was a better way to achieve the density cap goal. He noted if the Board voted to reconsider the matter, he would provide a presentation during Agenda Item 18.

Vice Chair Hill was open to discussing the matter but wanted to ensure the community was part of the discussion. She wondered how the public process occurred if the Board reconsidered the matter, and she asked whether the matter would go back to the

Planning Commission. Chair Hartung asked Mr. Solaro to explain the process of a reconsideration versus a development agreement.

Mr. Solaro reminded the item previously went through the public process and the Planning Commission had approved the regulatory zone change and the master plan amendment to a higher density. When the item came before the Board of County Commissioners (BCC), the BCC recalled there had been a development agreement on the property across the street from the project that was capped at five units per acre. Due to this, the Board directed staff to work with the applicant to create a development agreement to limit the densities on the property in a way that was similar to what had been done on the property across the street from the project.

Mr. Solaro explained if the Board moved to reconsider the item, Agenda Item 18 would be opened and the Board would decide to either accept the report of the Planning Commission, deny it, or modify the report. If the Board chose to modify the decision of the Planning Commission, the item would go back to the Planning Commission for another review and report. After that, the item would go to the BCC and then to Regional Planning. He noted if the Board approved the requested action, it would lessen the density that had already been approved through the public process.

Vice Chair Hill reaffirmed her second on the motion to reconsider the vote. Chair Hartung noted the BCC had denied the high-density because it traveled with the land. He said developmental agreements were historically time-sensitive and did not accompany the land itself. Assistant District Attorney Nathan Edwards replied that Chair Hartung's statement was generally correct. Chair Hartung asked what the benefit was for staff if the Board were to reconsider the vote. Attorney Edwards said the applicants would have to go through the regular intake process again, which included filing an application and paying a fee. The application would be vetted and reviewed and would eventually move to the BCC agenda for a first reading and a possible second reading.

Chair Hartung asked Mr. Solaro about the staff time involved if the Board were to reconsider the vote. Mr. Solaro responded that the development agreement approach required more staff time and effort than the reconsideration that was before the Board that day. He noted the majority of the work regarding the process had already been completed by staff. If the Board were to request the project go through the development agreement process, staff would have to start some of that procedure over again. He said staff in the Planning Division had been inundated with development agreements and intakes on a monthly basis. He noted the Planning Division used to have an average of 5 a month, whereas the department currently received close to 20 a month.

On motion by Commissioner Herman, seconded by Vice Chair Hill, which motion failed on a 3-2 vote, it was ordered that Agenda Item 17 not be reconsidered and the Board would not move into Agenda Item 18.

22-0352 **AGENDA ITEM 19** Public Hearing and possible action to hold the first reading of an ordinance: (1) amending Ordinance No. 1000 in order to

change the boundaries of District No. 24 (Groundwater Remediation); (2) providing for a notice of a public hearing and other matters relating thereto; and (3) setting the public hearing for the second reading and possible adoption on June 21, 2022; AND Hold the first reading of an ordinance: (1) imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; (2) providing for a notice of a public hearing and other matters relating thereto; and (3) setting the public hearing for the second reading and possible adoption on June 21, 2022. The Central Truckee Meadows Remediation District was formed in 1997 to address the tetrachloroethene (PCE) contamination of groundwater in the central Truckee Meadows area. The District is tasked with remediating PCE contamination and annually updates both the Service Area Boundary and Contaminant Boundary based on continuous analysis and modeling efforts. Community Services. (All Commission Districts.)

County Clerk Jan Galassini read the title for Bill No. 1878.

There was no response to the call for public comment.

Bill No. 1878 was introduced by Commissioner Lucey, and legal notice for final action of adoption was directed.

County Clerk Jan Galassini read the title for Bill No. 1879.

There was no response to the call for public comment.

Bill No. 1879 was introduced by Commissioner Lucey, and legal notice for final action of adoption was directed.

Commissioner Herman asked whether the County had previously charged groundwater remediation fees and Chair Hartung responded yes. Commissioner Herman asked whether the dollar amount of the current fees was similar to previous charges.

Division Director of Engineering and Capital Projects Dwayne Smith explained the Central Truckee Meadows Remediation District Program's budget was the same each year when the contaminate boundary was updated. He said the service fee boundary was readjusted based on the budget and the number of customers. He noted the current year's variance was less than a dollar. Since the inception of the program, the County has charged a fee that allowed the County to manage, mitigate, and remediate tetrachloroethene (PCE) in groundwater.

Commissioner Herman asked how the program was progressing. Mr. Smith responded the management of PCE was done primarily through the stripping of PCE from the groundwater of municipal wells located in the contaminated plumes, which were mainly located in the downtown Reno area. The program also did spot work to remediate

PCE through other methods. Spot work, he explained, was currently being done with an individual who owned property directly over a contaminated plume. The State was a partner to the County to help direct remediation activities for the contaminated plumes.

Chair Hartung asked Commissioner Lucey to reintroduce Bill No. 1879. Chair Lucey reintroduced Bill No. 1879, and legal notice for final action of adoption was directed.

22-0353 **AGENDA ITEM 20** Public Hearing: Second reading and adoption of an ordinance amending Washoe County Code Chapter 110 (Development Code), Article 319, Short Term Rentals (STRs) by amending various sections in order to: (1) change the requirements for processing a tier 3 STR application from an administrative permit approved by the Board of Adjustment to a special use permit approved by the Planning Commission; (2) exclude overflow parking spaces in condominium or multi-family complexes in the calculation of required parking spaces; (3) require the STR property owner(s)' notarized certification to include an attestation that the subject STR property is covered by insurance that provides for a minimum of \$500,000 liability coverage per occurrence; (4) repeal the requirement to submit a certificate of insurance; (5) provide that a bear box is required in the Incline Village General Improvement District's service territory following two confirmed trash violations; (6) modify the maximum occupancy calculation from one occupant for every 200 square feet of habitable space to two (2) occupants for each legally permitted bedroom, with the remainder of the home (excluding bedrooms) calculated as one occupant for every 200 square feet of habitable space; and all matters necessarily connected therewith and pertaining thereto. Community Services. (All Commission Districts.)

The Chair opened the public hearing.

Assistant County Manager Dave Solaro read the title for Ordinance No. 1686, Bill No. 1876.

Mr. Solaro reminded a short-term rental ordinance had been adopted into the Development Code previously. At that time, the Board had been told staff would do their due diligence and collect data and make recommendations back to the Board regarding this matter. An update was given prior to the first reading of this item.

Ms. Brittany Wieke reminded the item was heard at a first reading the previous month and said she had a presentation if the Board desired to hear it.

County Clerk Jan Galassini stated an email received from Ms. Judith Miller would be placed on file.

Vice Chair Hill said staff had worked hard to put the program together and get people permitted. The County was in the next phase, which was ensuring people who did not have permits got permits to avoid penalties and fees. After two years of the program, staff would evaluate the progress. She noted there had been concerns about workforce and affordable housing. She asked staff to collect and research data on the type of people who were buying STRs, how they were using them, and whether those people would ever do long-term rentals. She wanted the Incline Village and Crystal Bay residents to know the County was undergoing an Affordable Housing Action Plan for the area. She opined the STR changes were necessary, and she was happy to adopt the ordinance.

Commissioner Jung said STRs had been an issue for many years prior to the pandemic and Vice Chair Hill had worked tirelessly to resolve the issue. Commissioner Jung received many calls from people with STRs and people who lived full-time in Incline Village asking for a resolution of the issue. She opined Vice Chair Hill, the Board, and staff created the gold standard regarding STR enforcement. She believed the County had created the most effective procedure that made the process not so harsh that people would not do it, but not too easy that everyone could do it. She said it was important that the County had people on-site and ready to respond to complaints.

Commissioner Jung recalled telling Vice Chair Hill the STR issue would be tough, but Vice Chair Hill took on the issue anyway. Commissioner Jung opined Vice Chair Hill was excellent and responsive when it came to her constituents' needs. She believed staff at the Cities of Sparks and Reno would reach out to the County for help with STR issues. She noted how STRs became a public safety issue when Californians around Lake Tahoe closed their STRs, and the County had no ability to close its STRs because STRs did not legally exist in the Washoe County Code.

Commissioner Lucey was happy to support and adopt the ordinance. He commended Vice Chair Hill for the phenomenal job she had done working with the constituents in Incline Village. He agreed with Commissioner Jung that this matter impacted all regions of Washoe County, however, a large portion of the STRs existed within Incline Village. He noted that type of density made the STRs difficult to regulate.

Commissioner Lucey had been made aware of companies coming in and acquiring multiple houses within a predominantly tourist-based area. These houses were small enough for the companies to rent out as STRs. He wanted to ensure staff was watchful of these companies because the ordinance was intended for a homeowner to utilize their home to provide STRs. He said the ordinance was not intended for a large company to build a segregated group of properties. He wanted to prevent the County from getting a conglomeration of properties that were unified as one big rental property.

Chair Hartung agreed with Commissioner Lucey and said he had heard of a company called Picasso that was acquiring many units. He wondered whether those businesses could potentially be put into a different category than STRs.

Mr. Solaro noted the properties would have to meet the requirements of the STR regulations, regardless of who the properties were owned by. He said discussion about allowing one large company to buy a bunch of small properties to act as STRs had occurred when the regulations for the STRs were discussed. He noted the County had provisions regarding time frame and length of stay in the code to deal with timeshares. He said staff was attentive to the rise in timeshares and was working with the Incline Village General Improvement District on the matter. He asked the community to come forward with information they were hearing in the community regarding STRs so staff could assess the comments for future potential changes to the regulations.

Chair Hartung noted he had not meant to assert that the County had any control over companies purchasing properties, however, the County did have control over how the properties were listed in the system. He said the County did not have the authority to tell companies that they could or could not purchase properties, and he opined the County needed to stay informed on how properties were listed.

Commissioner Lucey wanted to ensure that staff was prepared to either create a new subset within the STR regulations or add limitations if an influx of companies started acquiring multiple properties and utilizing them in different ways. He said it was important individuals were abiding by the correct standards and rules. He noted condominium properties had to adhere to different standards and rules.

Vice Chair Hill informed she had conversations with staff about Picasso's uses of its property, as well as other multi-owners. She hoped to have a future update for the Board and the community regarding the matter.

On motion by Vice Chair Hill, seconded by Commissioner Lucey, which motion duly carried on a 4-1 vote with Commissioner Herman voting "no", it was ordered that Ordinance No. 1686, Bill No. 1876, be adopted, approved, and published in accordance with NRS 244.100.

22-0354 **AGENDA ITEM 21** Public Hearing: Second reading and adoption of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 adopting a development agreement between Washoe County and LANSING - ARCUS LLC for Prado Ranch North, a residential subdivision originally approved in 2018 (WTM18-002), to extend the recording of the first final map from September 11, 2022 to September 11, 2024. The approved subdivision is a 490-lot, single-family residential, common open space subdivision as authorized in Article 408 of the Washoe County Development Code. The location is adjacent to Lemmon Valley Drive, north of Nectar Street and adjacent to Chickadee Drive and Sand Pit Road and is comprised of 6 parcels that total approximately 154.65 acres. The parcels are located within the North Valleys Area Plan within Washoe County Commission District No. 5. (APNs 080-723-01, 080-723-02, 080-723-03, 080-721-03, 080-721-04, & 080-721-05). Community Services. (Commission District 5.)

Assistant County Manager Dave Solaro read the title for Ordinance No. 1687, Bill No. 1874.

Chair Hartung asked why an extension was requested. Planner Julee Olander explained the developer asked for an extension of time to resolve those issues with the sewer system and Swan Lake.

On the call for public comment, Ms. Denise Ross hoped the project would not proceed if it was denied the continuance. She said the area was still recovering from flooding and the roads were a disaster. The Regional Transportation Commission was still doing adjustments to the on and off-ramps of the freeway, and she noted there were accidents there each day. She opined the infrastructure was not ready for more growth and requested the Board deny the extension so the developer would have to redo the traffic studies. She asked the Board to research the Developments of Regional Impact (DRI) Report and the Federal Emergency Management Agency requirements. She reminded that livestock was taken care of in the North Valleys and development had changed the lifestyle of the area.

Mr. Danny Cleous opined the project should have never been approved because it was not part of the Lemmon Valley Master Plan. He stated the DRI Report showed drainage would go through the development. He said the developer needed to redo everything to find a development that was suitable for the area. He thought nothing had been done to address the flooding and if there was a sizeable storm, the water would come over the banks again. He requested the Board deny the extension.

Ms. Donna Robinson opined the extension needed to be denied so the developer would have to start the process over. She said the traffic on Interstate 395 was horrible due to all the traffic going into Lemmon Valley, and she believed the infrastructure needed to be fixed. She noted there had recently been a fatality in front of the area proposed for the development. She said when she asked the engineers what they would do to keep water from going into the subdivision, they replied it was the County's problem. She mentioned that the ditches were still not draining properly, and she opined the County had not been attentive to the flooding issues. She said there was much more traffic in the area than when the traffic study was done several years ago.

Ms. Nancy Sheets expressed her anxiety over the development and opined the Board should not make it easy for the developers. She said Lemmon Valley was already overdeveloped and the traffic was so dangerous that she did not like to drive into town. She explained that the desert was a delicate environment that had been stressed beyond capacity in Lemmon Valley. She mentioned the development would bring an increase in speeding motorized vehicles, partying, and fires. She thanked Commissioner Lucey for his concern regarding motorized vehicles on public lands and mentioned she could not ride her horses in the North Valleys hills anymore. She asked the Board to deny the extension so the developer could start over with new assessments.

Mr. Josh Phillips said traffic in the North Valleys was already absurd and there was no air quality control due to the traffic. A report he read had suggested only 1,400 vehicles would be added to the traffic after Prado Ranch was built, but he noted traffic had already increased that amount without the development. He opined building a development in a flood plain was impractical. He said a 2007 report warned the County that \$81 million in infrastructure would have to be put in place for development to occur in Lemmon Valley. He opined the area was a basin and the water did not leave until it evaporated. He noted the increase in wildlife he had seen in the area due to the flood, and he was concerned about the fragile ecosystem the development would be built on.

County Clerk Jan Galassini stated an email received from Mr. Romney DeGroot would be placed on file.

Chair Hartung said the County had been working on the extension of Lemmon Valley Drive to get it widened through the back of the valley, and he noted it had been a problem to figure out which alignment to use. He commented that many of the places he had hunted near the Black Springs Fire Department were now covered with industrial complexes, however, the issue in front of the Board was to allow an extension. He opined the developer would have only had to provide a tentative map to show substantive changes had occurred.

Commissioner Jung opined the various agencies in the region needed to stop placing all the growth to the north, and she said the growth needed to be spread throughout the entire valley. She was devastated over the unchecked growth that had occurred in the North Valleys. She noted growth could not be stopped, but it could be shared, and she believed sharing the growth was what a community should do.

Commissioner Lucey supported denying the extension. He opined the developers needed to fulfill their obligations. He said the infrastructure was not adequate in a number of areas in the region, and he thought it was important for the Board to ensure that infrastructure supported growth. He said it was a challenge to allow plans from years ago to move forward without new reviews and understanding of the impacts of the developments. He noted the addition of multi-family homes had a dramatic impact on Military Road and Lemmon Valley that had not existed five years ago when the project was initially considered.

Commissioner Lucey opined continuous extensions were not good policy, and he thought the project needed to go back to the community for a full review because he believed conditions had changed in the project area. He supported smart and community-driven development, and he believed the developers needed to listen to the community.

Chair Hartung opined what happened on Interstate 395 North was unconscionable and he blamed the Nevada Department of Transportation for it. He said the road had not changed since he lived out there more than 35 years ago. He noted Pyramid Highway had seen the same amount of traffic and neglect. He believed the Board had to

convince the State that valuable infrastructure was needed. He said Commissioner Lucey and he had fought all over the region to get roads widened, but their concerns were not heard.

Commissioner Herman said she voted against the development the first time it came before the Board, and she would vote against the extension.

Assistant County Manager Dave Solaro advised the Board that the tentative map for the project was still valid through September 2022. Potentially, the developer could come in with a final map and continue the process. Chair Hartung affirmed that the matter before the Board that day was simply the extension.

On motion by Commissioner Herman, seconded by Commissioner Lucey, which motion denied duly carried on a 5-0 vote, it was ordered that Ordinance No. 1687, Bill No. 1874, be denied.

22-0355 **AGENDA ITEM 22** Public Comment.

Mr. Danny Cleous opined the Prado Ranch developer would not be able to build in Lemmon Valley that year because the developer did not have a Letter of Map Revision or Conditional Letter of Map Revision from the Federal Emergency Management Agency. He said the on-ramps to Interstate 395 needed to be widened or collisions would happen. He thought the Board needed to provide the Washoe County Sheriff's Office (WCSO) with more funding to increase the number of patrols. He said the WCSO and the fire department needed a lot of help because there was not enough staff to respond promptly to emergencies. He wondered why a volunteer fire department could not be used for the area like it previously had been. He wanted Lemmon Valley to stay the way it was intended to be.

Ms. Donna Robinson thanked the Board for listening to the community regarding Agenda Item 21. She mentioned she was a retired Reno Police Officer and worked currently as a Pershing County Deputy. She said there was one deputy covering the Cold Springs, Lemmon Valley, and Golden Valley area. She opined the area needed more law enforcement and better infrastructure. Regarding the catalytic converters, she recalled when working for the Reno Police Department, her team had researched places people regularly sold the catalytic converters. She opined a task force should be put together to investigate the matter.

Ms. Erin Massengale provided documents, copies of which were placed on file with the Clerk. She asked the Board to pass a resolution to ban vaccine passports and any type of medical intervention verification system because it would create segregation and discrimination based on medical status. She said there were ten counties that had banned vaccine passports. She explained the documents she provided to the Clerk were sample resolutions for the Board to see what other counties had done.

County Clerk Jan Galassini stated an email received from Ms. Elise Weatherly would be placed on file.

22-0356 **AGENDA ITEM 23** Announcements/Reports.

Chair Hartung said he looked forward to a discussion regarding catalytic converter thefts. He opined a permit and tracking system for catalytic converters could be used. He mentioned the County could partner with the Cities of Sparks and Reno to ask the Legislature to enact measures for the permitting and tracking of catalytic converters so it could become State law. Regarding the on-ramps to Interstate 395, he stated the ramps were Nevada Department of Transportation (NDOT) designs. He said that he and Commissioner Lucey, through the Regional Transportation Commission, could ask NDOT to review the design, although, he noted NDOT had been unresponsive to them in the past.

Commissioner Herman requested that a copy of the documents Ms. Erin Massengale provided to the Clerk be sent to the Board. Washoe County Clerk Jan Galassini stated she would provide copies to the Board. Chair Hartung asked Assistant District Attorney Nathan Edwards if he would work with Commissioner Herman regarding the previous request she had made.

Attorney Edwards said he could put the information on the record at that time. He noted the question of whether a matter was of local concern involved an analysis of Dillion's Rule. If the matter was of local concern, any fair doubt of the existence of the power was resolved in favor of the Board. If the matter was not of local concern, any fair doubt over the existence of the power was resolved against the Board. He explained that extensive research had been done to determine whether vaccine mandates and regulations were a matter of local concern, and they did not appear to be. He clarified the decision was not his personal view, but it was what the law showed from the research of multiple people at the Washoe County District Attorney's Office.

Attorney Edwards explained that Chapter 439.150 of the Nevada Revised Statutes (NRS) said the Nevada State Board of Health (NBH) was declared to be supreme in all non-administrative health matters. NRS 439.170 stated the NBH was furthermore empowered to take measures necessary to prevent the spread of sickness and disease and shall possess all powers necessary to fulfill the duties and exercise the authority prescribed by law and to bring actions in courts to enforce the provisions. NRS 439.200 stated the NBH was empowered to enact regulations to define and control dangerous communicable diseases. He noted the analysis of those three statutes indicated vaccine mandates and regulations were not a matter of local concern, rather they were vested at the State level therefore the analysis shifted and any fair doubt about the existence of that power was resolved against the Board.

Attorney Edwards noted that words such as "supreme" were not used often in the NRS, so the use of it and "possess all powers" and "shall have the authority to regulate the control and spread of communicable diseases" indicated that the authority to the extent it existed concerning vaccines belonged to the NBH. He said the NBH could

potentially empower the local health district to take certain actions because it was part of the authority that was created within NRS 439. He noted the Legislature could amend or change the structure of public health regulations by reallocating powers among the local board of health, but that had not been done currently.

It was the legal opinion of the Washoe County District Attorney's Office that the Board did not have the authority to ban vaccine mandates or regulations. Attorney Edwards wanted to address the issue as it had been brought up many times in public comment and by Commissioner Herman. He noted under Open Meeting Law, the matter could be addressed by speakers during Public Comment.

Vice Chair Hill gave a proclamation to the Tahoe Area Mountain Biking Association earlier that week in honor of National Bike Month. She hoped people would ride bicycles to get vehicles off the road and take an opportunity to research safe bicycle riding tips. She asked for a future agenda item to address the childcare shortage issue in the region. She said the issue was made worse by a KinderCare in South Reno that had closed the previous week. She wanted to see strategies by the Human Services Agency regarding ways to help working families with childcare. She opined the American Rescue Plan Act funds might help with the issue. She was concerned for working families and wanted to prevent unsafe issues for children who were unable to get into childcare, and she wanted to ensure parents were able to work.

Commissioner Lucey said the childcare issue had been brought to his attention by constituents in District 2. He was working with Commissioner Marilyn Kirkpatrick, Clark County, and other commissioners through the National Association of Counties to identify funding for licensures, food, and supplies. He would be happy to work with Vice Chair Hill to expand on ideas and explore ways to help the County.

Commissioner Lucey said the bill draft requests (BDRs) were due in September for the upcoming legislative session. He mentioned he and Vice Chair Hill were the liaisons to the Legislature, but he wanted to have full Board input on what would be addressed in the upcoming session. The County, he explained, had access to two BDRs, however, if more were needed it could be addressed through Assembly and Senate members.

Commissioner Lucey said the issue of needing more deputies had been brought up in District 2, and he opined there was a need in all of the unincorporated areas of the County. He noted specific issues he had heard about in Hidden Valley around Country Club Drive, Zolezzi Lane, Del Monte Lane, Holcomb Ranch and Lakeside, and Huffaker Lane. He asked for a discussion with the Washoe County Sheriff's Office (WCSO) to discuss the needs of the County. He mentioned the WCSO was one of the County's largest budgets, and he wanted to ensure deputies were able to be in the needed areas. He asked staff to present the options available to the County to improve the speeding issue.

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1:18 p.m. There being no further business to discuss, the meeting was adjourned without objection.

VAUGHN HARTUNG, Chair
Washoe County Commission

ATTEST:

JANIS GALASSINI, County Clerk and
Clerk of the Board of County Commissioners

Minutes Prepared by:
Evonne Strickland, Deputy County Clerk