



**MINUTES**  
**Regular Meeting**  
**Reno City Council**

**Wednesday, September 25, 2013 • 12:00 PM**

**Reno City Council Chamber, One East First Street, Reno, NV 89501**

**Robert A. Cashell, Sr., Mayor**

**Council Members:**

<b>Ward 1 – Jenny Brekhus</b>	<b>Ward 4 – Dwight Dortch</b>
<b>Ward 2 – Sharon Zadra</b>	<b>Ward 5 – Neoma Jardon</b>
<b>Ward 3 – Oscar Delgado</b>	<b>At-Large – Hillary Schieve</b>

**A Introductory Items**

- A.1 Pledge of Allegiance**
- A.2 Observance of a Moment of Silence**
- A.3 Roll Call**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Robert Cashell		Present	
Jenny Brekhus		Present	
Sharon Zadra		Present	
Oscar Delgado		Present	
Dwight Dortch		Present	
Neoma Jardon		Present	
Hillary Schieve		Present	
Andrew Clinger		Present	

*The meeting was called to order at 12:09 PM.*

**A.4 Public Comment**

Ken Krater, 226 California Avenue, requested that the Council amend the lot parking regulations.

Margaret Fish, 2855 Idlewild Drive, discussed dead trees and debris along the Truckee River near Foster Drive.

Bishop John Wynn, 1202 Hillboro Avenue, thanked the Council for their support of the Youth Empowered to Succeed (YES) program.

Katie Colling, 635 North Maddux Drive, requested that the Council pull consent agenda items E.13 and E.16 for discussion.

Patricia Kahr, 2855 Idlewild Drive, discussed fire hazards posed by debris and dead trees along the River Walk.

Eddie Lorton, 100 North Arlington Avenue #16D, questioned why the three-month calendar was not made available to the public.

Scott Huber, 5126 Aspen View Drive, discussed concerns about the location of transitional homes within the community.

Ronald McGee, 550 North McCarran Boulevard, discussed several issues.

Mark Markel, 48 Park Street, discussed the dangers of drinking and driving.

Sam Dehne, Reno resident, discussed several issues.

**A.5 City Manager Announcements (Item for general announcements and informational items only. No deliberation or action will be taken on this item.)**

City Manager Clinger discussed 1) the upcoming town hall meetings on October 1, 7, 12, 15 and 22; 2) the September 30, 2013 deadline for Charter Committee applications; and 3) the Program Excellence awards recently received by the Parks, Recreation and Community Development Department for their 'Shape Up Reno' and 'Fit But Not Forgotten' program.

**A.6 Approval of the Agenda (For Possible Action) - September 25, 2013.**

The agenda was approved with items D.2, E.14, J.2, K.2 and L.10 withdrawn, and with items F.2, J.3, J.6.1 and J.6.2 to be heard after item D.1 and before item D.3.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Sharon Zadra, Council Member
<b>SECONDER:</b>	Neoma Jardon, Council Member
<b>AYES:</b>	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

**A.7 Approval of Minutes (For Possible Action) - August 28, 2013 and September 4, 2013.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jenny Brekhus, Council Member
<b>SECONDER:</b>	Sharon Zadra, Council Member
<b>AYES:</b>	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

A.7.1 City Council - Regular - Aug 28, 2013 12:00 PM

A.7.2 City Council - Regular - Sep 4, 2013 12:00 PM

**B Cash Disbursements (For Possible Action)**

B.1 Staff Report (For Possible Action): Acceptance of Cash Disbursements Reports for August 25, 2013 through September 14, 2013. 12:43 PM

**Recommendation:** Staff recommends Council accept the attached Cash Disbursements reports.

**Proposed Motion:** I move to approve staff recommendation.

**C Proclamations - None.**

**D Presentations**

D.1 City of Reno Employee Retirement Recognitions - Andrew Clinger, City Manager. 12:44 PM

City Manager Clinger recognized the retirees.

D.2 Economic Development Update - David Weaver, Vice President of Sales, U.S. Foods

THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

D.3 Positively Fourth Street - Mike Draper, Draper Strategies and Communications. 1:44 PM

MAYOR CASHELL ABSENT AT 1:43 P.M. VICE MAYOR ZADRA PRESIDED IN MAYOR CASHELL'S ABSENCE.

Scott Emond, representing Under the Rose Brewing Company, and Eric Brooks, representing Valley Arts, discussed the success of the August 17, 2013, Positively Fourth Street event.

D.4 Recognition and awards for the 1st, 2nd, 3rd, and best of show winners of the Living in Reno Photo Contest - Sharon Spangler, Creative Services Manager, City of Reno. 1:47 PM

Cadence Matijevich, Assistant City Manager, presented the awards.

**E Consent Agenda**

Katie Colling, 635 North Maddux Drive, said that the homeless task force should consider items E.13 and E.16 before they were approved.

Sam Dehne, Reno resident, presented a Public Comment Form, but was not present in Chambers when he was called to speak.

Council Member Brekhus asked Ms. Colling if she had read the Staff Reports for items E.13 and E.16 Staff Reports.

Ms. Colling replied that she had not read the Staff Reports. She said that she knew they were required in order to be eligible for grants, but believed that there was a less expensive alternative.

Council Member Brekhus stated that, in light of Ms. Colling's response, she would not pull items

E.13 and E.16 for discussed at this time, and encouraged Ms. Colling to participate in other areas of the discussions regarding homelessness issues.

The Consent Agenda was approved with items E.2, E.3, E.7, E.11 and E.12 pulled for discussion.

## **E.1 Approval of Privileged Business Licenses**

### **E.1.a New - Alcohol**

1. 7-Eleven Store #14087G, Sanjay Batra, 1770 Sutro Street - Package Liquor (For Possible Action) [**Ward 3**]

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

2. Pizza House, Carlos Camargo, 463 Roberts Street - Dining Room Wine and Beer (For Possible Action) [**Ward 3**]

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

### **E.1.b New - Gaming**

1. United Coin Machine dba Arco AM/PM, Robert A. Woodson, 1390 South Virginia Street - Slots (For Possible Action) [**Ward 3**]

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

2. United Coin Machine dba Maverik, Inc. #477, Robert A. Woodson, 11795 Veterans Parkway - Slots (For Possible Action) [**Ward 2**]

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

3. United Coin Machine dba El Paraiso Market, Robert A. Woodson, 2721 Yori Avenue - Slots (For Possible Action) [**Ward 1**]

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

**E.1.c Change of Ownership - Alcohol**

1. Whiskey Business, Trevor John Leppek, 100 North Arlington Avenue, Suite 102 - Bar (For Possible Action) [**Ward 5**]

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

E.2 Staff Report (For Possible Action): Approval of a Letter of Consent with regard to Somach Simmons & Dunn's representation of Plumas Sierra Rural Electric Cooperative. 1:53 PM

**Recommendation:** Staff recommends approval of the Letter of Consent with regard to Somach Simmons & Dunn's representation of Plumas Sierra Rural Electric Cooperative.

**Proposed Motion:** I move to approve the recommendation.

THIS ITEM WAS PULLED FOR DISCUSSION.

COUNCIL MEMBER JARDON ABSENT AT 1:57 P.M.

Council Member Brekhus and Susan Ball Rothe, Deputy City Attorney, discussed the proposed Letter of Consent.

The Council upheld the staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jenny Brekhus, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Schieve
<b>ABSENT:</b>	Robert Cashell, Neoma Jardon

E.3 Staff Report (For Possible Action): Approval of a License Agreement, a Manhole and Valve Cover Agreement and an Agreement for Adjustment of Utilities with Plumas Sierra Telecommunications for the Virginia Street Bridge Project. 1:53 PM

**Recommendation:** Staff recommends approval of a License Agreement, Manhole and Valve Cover Agreement and an Agreement for the Adjustment of

Utilities with Plumas Sierra Telecommunications and authorization for the Mayor to sign.

**Proposed Motion:** I move to approve staff recommendation.

THIS ITEM WAS PULLED FOR DISCUSSION.

Council Member Brekhus and Charla Honey, Public Works Engineering Manager, and Lori Miles, Public Works Property Program Technician, discussed how the City determines license agreement fees.

COUNCIL MEMBER JARDON PRESENT AT 2:01 P.M.

The Council upheld the staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jenny Brekhus, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

E.4 Staff Report (For Possible Action): Approval of a License Agreement and an Agreement for Adjustment of Utilities with Qwest Communications Company for the Virginia Street Bridge Project. 1:53 PM

**Recommendation:** Staff recommends approval of a License Agreement and an Agreement for the Adjustment of Utilities with Qwest Communications Company and authorization for the Mayor to sign.

**Proposed Motion:** I move to approve staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

E.5 Staff Report (For Possible Action): Approval of a Manhole and Valve Cover Agreement with NV Energy for the Virginia Street Bridge Project. 1:53 PM

**Recommendation:** Staff recommends approval of a Manhole and Valve Cover Agreement with NV Energy and authorization for the Mayor to sign.

**Proposed Motion:** I move to approve staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

E.6 Staff Report (For Possible Action): Approval of a Reimbursement Agreement with Truckee Meadows Water Authority for the Virginia Street Bridge Project. 1:53 PM

**Recommendation:** Staff recommends approval of a Reimbursement Agreement with Truckee Meadows Water Authority and authorization for the Mayor to sign.

**Proposed Motion:** I move to approve staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

E.7 Staff Report (For Possible Action): Approval of an Interlocal Funding Agreement with the Truckee River Flood Management Authority for the construction of the Virginia Street Bridge Replacement Project in an amount not to exceed \$7,250,000 (1/8 cent Washoe County Sales Tax). 1:53 PM

**Recommendation:** Staff recommends Council approve the Interlocal Agreement Virginia Street Bridge Project with Truckee River Flood Management Authority for funding reimbursement of the Virginia Street Bridge Replacement Project in an amount not to exceed \$7,250,000 and authorize the Mayor to sign.

**Proposed Motion:** I move to approve staff recommendation.

THIS ITEM WAS PULLED FOR DISCUSSION.

Eddie Lorton, 100 North Arlington Avenue #16D, said that the Virginia Street Bridge project was too expensive and needed more analyses. He suggested a finance committee be formed to provide the necessary analyses, and to perhaps identify a way to fix rather than replace the bridge.

Council Member Brekhus asked which of the various funding sources would be responsible for cost overruns.

Charla Honey, Public Works Engineering Manager, discussed the various funding sources, and said that the Street Fund would be City's contingency fund.

Council Member Brekhus and Ms. Honey discussed the proposed December 2013 or January 2014 bid process.

Council Member Brekhus requested that staff provide an update regarding how the City proposed to fund new and existing bridges, including the RTC Southeast Connector Bridge.

Council Member Zadra and Ms. Honey discussed long-term flood planning issues.

Council Member Dortch stated that, in its current condition, the Virginia Street Bridge posed a hazard to both pedestrians and vehicular traffic and needed to be replaced sooner rather than later. He said that the bridge had to be raised up to comply with the Flood Project, which was why it was so expensive, and noted that the City had held several public meetings, discussed the possibility of saving the bridge, and ultimately determined that this was the cheapest of the options that would comply with the Flood Project.

Ms. Honey said that the Virginia Street Bridge was without question a priority for the City of Reno, and also for the Flood Management Authority.

John Flansberg, Public Works Director, and Council Member Zadra discussed Flood Project priorities, and how raising the Virginia Street Bridge would better protect the City of Reno.

The Council upheld the staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jenny Brekhus, Council Member
<b>SECONDER:</b>	Dwight Dortch, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

E.8 Staff Report (For Possible Action): Approval of a Consulting Agreement between Stantec Consulting Services Inc. (Stantec) and the City of Reno and Sparks for Engineering Services associated with the Truckee Meadows Water Reclamation Facility (TMWRF) Headworks Near-Term Improvement Project in the amount of \$633,702 with Reno's share being \$434,909.68 (Sewer Enterprise Fund). 1:53 PM

**Recommendation:** Staff recommends Council approve the Agreement for Consulting Services with Stantec Consulting Services, Inc. for design and engineering evaluation services as in described in the attached proposal in an amount not to exceed \$633,702 (Reno's share being \$434,909.68 from the Sewer Enterprise Fund) and authorize the Mayor to execute the attached Agreement.

**Proposed Motion:** I move to approve the staff recommendation.



<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

E.9 Staff Report (For Possible Action): Approval to purchase two (2) street sweepers pursuant to NRS 333.195 (Joinder), to be reimbursed through grant funds from the Congestion Mitigation and Air Quality Improvement Program, in an amount not to exceed \$467,090 (Street Fund). 1:53 PM

**Recommendation:** Staff recommends Council approval to purchase two (2) Tymco Model 500x Regenerative Air street sweepers from H&E Equipment Services utilizing the HGACBuy Program, pursuant to NRS 332.195, in an amount not to exceed \$467,090 and authorize the City Manager or his designee to execute the purchase order(s).

**Proposed Motion:** I move to approve staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

E.10 Staff Report (For Possible Action): Approval of an Amended Contract with Troy and Banks for a time extension to conduct a Street Light Audit per the requirements under RFP #030081 (General Fund). 1:53 PM

**Recommendation:** Staff recommends Council approve the amended Contract for a time extension and authorize the Mayor to sign.

**Proposed Motion:** I move to approve staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

E.11 Staff Report (For Possible Action): Approval of a First Modification of Lease Agreement between the City of Reno and Sierra Nevada Journeys located in the Historic Southside School Building located at 190 E. Liberty Street, Reno, Nevada. 2:20 PM

**Recommendation:** Staff recommends Council approval of the First Modification of Lease Agreement with Sierra Nevada Journeys and authorization for the Mayor to sign.

**Proposed Motion:** I move to approve staff recommendation.

THIS ITEM WAS PULLED FOR DISCUSSION.

Council Member Brekhus and Steve Hardesty, Public Works Management Analyst, discussed details of the proposed lease agreement.

Discussion ensued regarding the proposed lease agreement.

The Council upheld the staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jenny Brekhus, Council Member
<b>SECONDER:</b>	Dwight Dortch, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

E.12 Staff Report (For Possible Action): Approval of a Lease Agreement for 1435 North Virginia Street by Nevada Youth Empowerment and determination of the Lease Rate pursuant to NRS 268.053. 2:31 PM

**Recommendation:** Staff recommends Council concur in the determinations set forth in this Staff Report and approve the lease with NYEP under NRS 268.053.

**Proposed Motion:** I move to approve staff recommendation.

THIS ITEM WAS PULLED FOR DISCUSSION.

Council Member Schieve disclosed that she served as a member of the Board of NYEP, but had no financial interest in the outcome of this decision.

COUNCIL MEMBER DORTCH ABSENT AT 2:31 P.M.

Council Member Brekhus and Jodi Royal-Goodwin, Housing and Neighborhood Development Administrator, discussed the history of the purchase and leases of this residential property, as well as other details of the proposed lease agreement.

COUNCIL MEMBER DORTCH PRESENT AT 2:34 P.M.

The Council upheld the staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jenny Brekhus, Council Member
<b>SECONDER:</b>	Neoma Jardon, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

- E.13 Staff Report (For Possible Action): Approval of Amendment #4 to Contract with Bitfocus to administer the Homeless Management Information System for costs not to exceed \$212,042 (Grant Funds). 1:53 PM

**Recommendation:** Staff recommends Council approval of the amendment #4 to the contract with Bitfocus for administration of the Washoe County and Balance of State HMIS for costs not to exceed \$212,042 and authorize the Mayor to sign.

**Proposed Motion:** I move to approve staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

- E.14 Staff Report (For Possible Action): Approval of a contract not adapted to award by competitive bidding to Feeney Wireless to purchase Long Term Evolution (LTE) modems for Mobile Computer Terminals (MCT) in police vehicles in the amount of \$102,410 (Federal Forfeiture Funds). 1:53 PM

**Recommendation:** Staff recommends approval to purchase 110 LTE Modems for MCTs in police vehicles in the amount of \$102,410 using Federal Forfeiture funds and authorization for the police chief to sign the purchase order.

**Proposed Motion:** I move to approve staff recommendation.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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- E.15 Staff Report (For Possible Action): Acceptance of a grant award from the State of Nevada, Department of Public Safety, Office of Traffic Safety to the City of Reno to support enforcement of laws related to pedestrian safety in the amount of \$34,012. 1:53 PM

**Recommendation:** Staff recommends Council accept a grant award from the State of Nevada, Department of Public Safety, Office of Traffic Safety to the City of Reno to support enforcement of laws related to pedestrian safety in the amount of \$34,012 and authorize the police chief to sign the necessary documents.

**Proposed Motion:** I move to approve staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

- E.16 Staff Report (For Possible Action): Approval of Award of Contract to Par Electrical Contractors, Inc. for the base bid for security upgrades to the Reno Community Assistance Center in an amount not to exceed \$208,290 (Grant Funds). 1:53 PM

**Recommendation:** Staff recommends Council approval of the award of contract to Par Electrical Contractors, Inc. in an amount not to exceed \$208,290 for the base bid and authorize the Mayor to sign.

**Proposed Motion:** I move to approve staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

- E.17 Staff Report (For Possible Action): Approval of Award of Contract to D & D Roofing for the Base Bid for replacing the lowest two ring roofs on the National Bowling Stadium in an amount not to exceed \$399,696 (\$2 Capital Projects Room Tax Surcharge). 1:53 PM

**Recommendation:** Staff recommends Council approval of the award of contract to D & D Roofing for the base bid for replacing the lowest two ring roofs on the National Bowling Stadium in an amount not to exceed \$399,696 and authorize the Mayor to sign.

**Proposed Motion:** I move to approve staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

## F Public Hearings - 12:15 PM

- F.1 Staff Report (For Possible Action): Public Hearing on the Consolidated Plan Annual Performance and Evaluation Report (CAPER) for Program Year 2012 for the City of Reno and Washoe County HOME Consortium. 3:43 PM

**Recommendation:** Staff recommends City Council approve submission of the Program Year 2012 CAPER to the U.S. Department of Housing and Urban Development.

**Proposed Motion:** I move to approve staff recommendation.

A RECESS WAS CALLED AT 2:35 P.M. AND UPON RECONVENING AT 3:42 P.M. MAYOR CASHELL WAS ABSENT. VICE MAYOR ZADRA PRESIDED IN MAYOR CASHELL'S ABSENCE.

The Vice Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and no correspondence was received.

Vice Mayor Zadra opened the public hearing and asked if anyone wished to speak.

Council Member Brekhus and Jodi Royal-Goodwin, Housing and Neighborhood Development Administrator, discussed details of the report.

The Council upheld the staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jenny Brekhus, Council Member
<b>SECONDER:</b>	Dwight Dortch, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

F.2 Staff Report (For Possible Action): Case No. LDC14-00005 (Primm Gaming) Request for a special use permit to re-establish a non-conforming gaming use without hotel rooms. The ±8,146 square foot site is located at 237 and 241 North Virginia Street in the MU/DRRC/ENT (Mixed Use/Downtown Reno Regional Center/Entertainment District) zone. The site has a Special Planning Area/Downtown Reno Regional Center/Entertainment District Master Plan land use designation. **[Ward 5]** 12:51 PM

**Recommendation:** The Planning Commission recommends Council approve the requested special use permit, subject to the conditions in the staff report with modifications to Condition No. 5 as contained in this report.

**Proposed Motion:** I move to uphold the recommendation of the Planning Commission.

The Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and no correspondence was received.

Mayor Cashell opened the public hearing and asked if anyone wished to speak.

Angela Fuss, representing the applicant (Whitney Peak), presented a brief overview of the request for a Special Use Permit (SUP) to re-establish a non-conforming gaming use without hotel rooms on the site of the old Primadonna Casino.

The following two (2) individuals presented Public Comment Forms in favor of the request, but did not wish to speak: 1) Greg Landrus, 229 North Virginia Street; and 2) Bill Thornton, One East First Street #1405.

The Mayor closed the public comment portion of the hearing.

Council Members Jardon and Zadra thanked the applicant for the facade improvements that had already been made, and for the efforts to revitalize and bring life back to the vacant building.

Mayor Cashell thanked Bill Thornton and the Club Cal Neva for installing the Ginsburg Clock on City Plaza.

The Council upheld the recommendation of the Planning Commission.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Neoma Jardon, Council Member
<b>SECONDER:</b>	Sharon Zadra, Council Member
<b>AYES:</b>	Cashell, Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve

## **G Ordinances, Adoption**

G.1 Staff Report (For Possible Action): Ordinance Adoption - Bill No. 6872 Ordinance to amend Reno Municipal Code, Title 16, "Fire," Chapter 16.01, "Fire Administration And Codes", by repealing Section 16.01.010, "Adoption" relating to the 2003 International Fire Code and Appendices and adopting Section 16.01.011 relating to the 2012 International Fire Code and Appendices B, C and F, as amended, together with other matters properly relating thereto. 3:48 PM

### **Recommendation:**

**First Reading** - On first reading, staff recommends City Council refer the ordinance and the exhibits, as amended, to the committee of the whole.

**Second Reading** - On second reading, staff recommends City Council adopt the ordinance.

### **Proposed**

### **Motion:**

**First Reading** - I move to refer Bill No. \_\_\_\_\_ to the Committee of the Whole.

**Second Reading** - I move to adopt Ordinance No. \_\_\_\_\_.

Bill No. 6872, Ordinance No. 6306 was passed and adopted.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Neoma Jardon, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

## H Resolutions

H.1 **Resolution No. 7897:** Staff Report (For Possible Action): Resolution No. \_\_\_\_\_ Resolution in support of an application from the Washoe County School District to the U.S. Department of Education’s FY 2013 “Race To The Top” Grant Program. 3:49 PM

**Recommendation:** Staff recommends Council adopt Resolution No. \_\_\_\_\_.

**Proposed Motion:** I move to adopt Resolution No. \_\_\_\_\_.

Resolution No. 7897 was adopted.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Hillary Schieve, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

## H.2 Leasing of 1 East First Street

H.2.1 Staff Report (For Possible Action): Discussion and potential direction to staff regarding the leasing of office space within City Hall located at 1 East First Street, Reno, Nevada. 3:49 PM

**Recommendation:** Staff recommends Council adoption of the attached Resolution of Intent to Lease the subject property identified as office space located within City Hall, 1 East First Street for a minimum price of \$0.85 per s.f. for small offices with no view, \$0.95 per s.f. for small offices with some/good views, \$1.00 per s.f. for large offices with no views, \$1.15 per s.f. for large offices with some views and \$1.30 per s.f. for large office with good views and direct staff to notice and advertise a public auction in accordance with the provisions of Chapter 268 of the Nevada Revised Statutes and Title 15 of the Reno Municipal Code.

**Proposed Motion:** I move to approve staff recommendation.

COUNCIL MEMBER JARDON ABSENT AT 3:50 P.M.

Steve Hardesty, Public Works Management Analyst, presented an overview of the Staff Report.

The Council upheld the staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Hillary Schieve, Council Member
<b>SECONDER:</b>	Dwight Dortch, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Schieve
<b>ABSENT:</b>	Robert Cashell, Neoma Jardon

H.2.2 **Resolution No. 7898:** Resolution No. \_\_\_\_\_ (For Possible Action): Resolution of intent authorizing certain City owned real property identified as office space at City Hall, 1 East First Street, to be leased by public auction for a minimum monthly lease amount of \$0.85 per s.f. to \$1.30 per s.f. in accordance with the provisions of NRS 268.059 – 268.062 and Title 15 of the Reno Municipal Code. 3:50 PM

**Recommendation:** Staff recommends Council adopt Resolution No. \_\_\_\_\_.

**Proposed Motion:** I move to adopt Resolution No. \_\_\_\_\_.

Resolution No. 7898 was adopted.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Hillary Schieve, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Schieve
<b>ABSENT:</b>	Robert Cashell, Neoma Jardon

H.3 **Resolution No. :** Staff Report (For Possible Action): Resolution No. \_\_\_\_\_ Resolution of the City Council of the City of Reno amending City Council Resolution No. 5242, modifying the process for appointments to the Reno City Planning Commission, and authorizing and directing the members, officers, and agents of the City, jointly and severally, to do any and all things and to carry out, give effect to, and comply with the terms and intent of this Resolution, including without limitation, preparing and processing any necessary amendments to the Reno Municipal Code and Title 18 3:51 PM

**Recommendation:** Staff recommends Council adopt Resolution No. \_\_\_\_\_.

**Proposed Motion:** I move to adopt Resolution No. \_\_\_\_\_.

COUNCIL MEMBER JARDON PRESENT AT 3:51 P.M.

Council Member Brekhus said that the intent of the resolution was to determine whether the current procedure for making appointments to the Planning Commission was in conflict with NRS, and apparently it was. From there, she said, she thought the discussion was going to be among the Council Members on an approach that she had mentioned where there were seven Council Members and seven members of the Planning Commission, and each Planning Commission slot would be designated as the Ward 1 appointment, the Ward 2 appointment, etc., and the resolution would be to the City



Manager that based on this slotting system, when a vacancy came up on the Planning Commission that holds that slot, the Manager would go to the Council Member representing that Ward to ask who they would like to appoint. She said that she had hoped to get more specific rather than to just comply with NRS.

City Manager Clinger stated that he was comfortable with that if that was the direction the Council wanted to go.

Council Member Dortch said that while the Council had not gone to the City Manager to do that in the past, that was how it had been done since he had been on the Council. He said that when he took office there were probably five Planning Commissioners from Ward 1 serving on the Commission and the Council had since then made an effort to ensure that all the Wards were represented. Whenever there was an opening, he said, we examined the current makeup of the Commission to see if there was a Ward that was not represented and, if there was, the Council Member representing that Ward would be asked who they wanted to appoint.

Council Member Brekhus discussed other details of the proposed appointment procedure.

Discussion ensued regarding appointments to the At Large and Mayor's appointment slots.

Jonathan Shipman, Deputy City Attorney, said that the resolution would be re-drafted and brought back at the next Council meeting.

Other details of the proposed appointment procedures were then discussed.

NO ACTION WAS TAKEN ON THIS ITEM.

## **I Ordinances, Introduction**

**RECESS FOR LABOR SESSION -- NOT OPEN TO THE PUBLIC PURSUANT TO NRS 288.220.**

## **J Standard Department Items**

### **Parks, Recreation & Community Services**

J.1 Staff Report (For Possible Action): Discussion and potential direction to staff regarding Park Maintenance Standards and Operations. 3:59 PM

**Recommendation:** Staff recommends the City Council approve the recommendations as outlined in the report; or provide direction on other alternatives which may be available.

**Proposed Motion:** I move to approve staff recommendation.

Bill Thomas, Assistant City Manager, said that staff was seeking Council

direction on options to pursue in the coming year, as well as subsequent years, in order to address deficiencies in park service levels.

Jeff Mann, Parks Manager, provided a detailed Staff Report on the status of the City's park system standards and operations.

Discussion ensued regarding proposed options for resolving maintenance issues, and the Council Members provided direction to staff with regard to 1) coordinating facilities and budgetary decisions; 2) inventorying by Ward those schools that have joint use/reciprocal agreements with the City of Reno and determining the nature of those agreements; 3) getting the Regional Transportation Commission (RTC) to provide funding for street right-of-way maintenance; 4) obtaining studies on the use of portable restrooms in lieu of permanent restrooms; 5) monitoring Reno Youth Sports Association (RYSA) revenues and expenditures; 6) determining the location of the next closest park to schools with whom the City has agreements; 7) studying vandalism of public restrooms, particularly with regard to portable versus permanent restrooms; 8) eliminating the maintenance of sites without high visibility such as rights-of-way; 9) recruiting volunteers to help with park maintenance; 10) examining the possibility of bringing back laid off workers, perhaps as temporary employees; and 11) examining any proposed reductions to services, facilities or parks on a level field with programming components of the Recreation and Parks Department.

Jerry Frederick, representing Local #39, stressed the importance of maintaining city parks and stated that staffing levels (down from 7 3/4 positions to 3 1/4 positions) should also be examined.

Ted Levatter, Reno resident, presented his views on this issue.

Discussion ensued regarding other details of the Staff Report.

NO ACTION WAS TAKEN ON THIS ITEM.

J.2 Staff Report (For Possible Action): Discussion and potential approval of Award of Contract for RFP 030092 for Turf Mowing Services to Signature Landscapes, LLC, beginning June 1, 2014 and ending December 31, 2018, in the amount of \$164,988 per year, for a total of \$824,940 for the term of the contract (General Fund). - *Withdrawn*

THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

### **City Manager's Office**

J.3 Staff Report (For Possible Action): Discussion, direction to staff, and potential approval of 1) the Regional Transportation Commission's "Truckee Meadows Shared Federal Framework" platform, and 2) the City

of Reno's participation in a "Trip to the Hill" to meet with select members of Congress and federal agency staff in Washington, D.C. the week of October 27, 2013. 12:55 PM

**Recommendation:** Staff seeks Council direction and potential approval of 1) the Regional Transportation Commission's "Truckee Meadows Shared Federal Framework" platform, and 2) the City of Reno's participation in a "Trip to the Hill" to meet with select members of Congress and federal agency staff in Washington, D.C. the week of October 27, 2013.

**Proposed Motion:** I move to approve staff recommendation.

Mayor Cashell voiced his support for the City's participation in the program, noting that the report was too lengthy and should be pared down, and the program had the support of the congressional delegation.

Megan Salcido, Government Affairs Coordinator, presented an overview of the Staff Report. She apologized for the late distribution of working draft of the 'Northern Nevada Shared Federal Framework: One Region. One Voice' report, and noted that it would indeed be pared down to identify the top priorities that entities within the region shared (e.g., transportation, flood project, marketplace fairness act, etc.). Ms. Salcido also said that the cost of the trip per person would be approximately \$1,200 to \$1,500 rather than the higher figure mentioned in the Staff Report because the number of days in Washington, D.C. had been decreased.

Mayor Cashell suggested that Council Members who wished to participate use their Council Discretionary Funds to attend the meetings in Washington, D.C.

Council Member Zadra said that the City of Sparks and Washoe County unanimously approved the program, and approximately 20 agencies and entities would be represented in Washington, D.C.

Discussion ensued regarding how many people from the other entities, including the Regional Transportation Commission (RTC), would be participating in the program.

Council Member Brekhus suggested that the Council accept rather than approve the report since they had not yet had an opportunity to read it.

Sam Dehne, Reno resident, presented his views on this issue.

Ted Levatter, 420 Reno Avenue, presented his views on this issue.

Discussion ensued regarding when and if the congressional members would attend the meetings, and concern about whether the groups would be so large that meaningful dialogue with the congressional delegates would be impossible.

Council Member Brekhuis made a motion that was seconded by Council Member Zadra to 1) accept RTC's Federal Framework platform for the time being and direct staff to bring it back at the next available Council meeting after it had been pared down a bit more (but before the October 27, 2013, trip); 2) stipulate that the City participate in the trip with self-identified Council Members utilizing their Council Discretionary Funds to attend the meetings; 3) authorize the City Manager to utilize his discretion regarding whether or not to send a staff member on the trip; and 4) request that the group that attends the meetings follow up with a report to the Council.

Mayor Cashell and Council Member Brekhuis agreed that the City Manager should also be authorized to attend the meetings.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jenny Brekhuis, Council Member
<b>SECONDER:</b>	Sharon Zadra, Council Member
<b>AYES:</b>	Cashell, Brekhuis, Zadra, Delgado, Dortch, Jardon, Schieve

J.4 Staff Report (For Possible Action): Discussion, approval and potential direction to staff regarding the City of Reno's selection and prioritization of eligible projects for the FY 13/14 Transportation Alternatives Program (TAP). 4:49 PM

**Recommendation:** Staff recommends that Council select and prioritize projects within the City of Reno that are eligible for grant funding through the Transportation Alternatives Program (TAP)

**Proposed Motion:** I move to approve staff recommendation.

Maureen McKissick, Strategic Development Administrator, presented a brief overview of the Staff Report.

Council Member Dortch and Ms. McKissick discussed funding issues.

Council Member Dortch stated that the Virginia Street streetscape improvements should receive priority ranking.

Council Member Zadra discussed the improvements needed at Virginia Lake.

Discussion ensued regarding the availability of Residential Construction Tax (RCT) revenues.

Council Member Brekhuis said that the Virginia Street enhancements should be considered along with the other Virginia Street improvements, and stated her preference for assigning top priority to the Truckee River bike path improvements. She suggested examining other ways of funding the project, including asking RTC for additional funding, and suggested that all of the projects

should be added to the list of priorities.

Council Member Dortch said that while all of the projects listed in the Staff Report could be put on the priority list, it was not likely that all of them would receive funding.

Ms. McKissick said that staff needed the Council to rank order their priorities.

Discussion ensued regarding details of the proposed projects.

Scott Hall, 634 Humboldt Street, discussed his support for the Truckee River bike trail option.

COUNCIL MEMBER SCHIEVE ABSENT AT 5:10 P.M.

Noah Silverman, Executive Director of the Reno Bike Project, 571 East Fourth Street, discussed his support for the Truckee River Bike Path project.

The following nine (9) individuals presented Public Comment Forms in favor of funding for the Truckee River Bike Path option, but did not wish to speak:

1) Frank Chamarro, 1047 Plumas Street; 2) Sarah Lillegard, 545 East Fourth Street; 3) Erica Greif, 3145 Indian Lane; 4) Jake Barrett, 894 Keele Drive; 5) Drew Ballard, 1140 Charles Place; 6) Chad Strand, 1567 Plumas Street; 7) Nate Clark, 1155 Buena Vista; 8) Kurstin Graham, 900 Hunter Lake Drive; and 9) Dylan Kuhn, 280 Booth Street, Apt. K.

COUNCIL MEMBER SCHIEVE PRESENT AT 5:14 P.M.

Council Member Dortch made a motion to rank the projects as follows: 1) Virginia Street streetscape improvements; 2) Virginia Lake improvements; and 3) Truckee River Bike Path improvements. The motion was seconded by Council Member Jardon.

Council Member Brekhus requested that the motion include the stipulation that if construction of the Virginia Street streetscape improvements was not finished in Fiscal Year 2014-2015, the funding would then go to the second and third ranked projects.

Council Members Dortch and Jardon agreed to amend the motion to include the stipulation suggested by Council Member Brekhus.

The Council ranked the projects as follows: 1) Streetscape Improvements on Virginia Street between Sixth Street and Eighth Street; 2) Virginia Lake Improvements; 3) Upgrades to the Truckee River Bike Path to meet AASHTO Standards; and agreed that if construction of the Virginia Street streetscape improvements was not finished in Fiscal Year 2014 or 2015, funding would then

go to the second and third priorities.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Neoma Jardon, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

J.5 Staff Report (For Possible Action): Update, discussion and potential direction to staff regarding a request for providing an extension to the Emergency Management Services Working Group's negotiations for a "renewed" Emergency Medical Services agreement with the Regional Emergency Management Services Authority. 5:30 PM

**Recommendation:** Staff recommends allowing the Managers an extension of 120 days to continue negotiations for renewing of an Emergency Medical Services agreement with the Regional Emergency Management Services Authority.

**Proposed Motion:** I move to approve staff recommendation.

Robert Chisel, Finance Director, presented an overview of the Staff Report.

COUNCIL MEMBER DORTCH ABSENT AT 5:31 P.M.

The Council upheld the staff recommendation.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jenny Brekhus, Council Member
<b>SECONDER:</b>	Hillary Schieve, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell, Dwight Dortch

## J.6 Medical Marijuana Establishments

J.6.1 Staff Report (For Possible Action): Discussion regarding SB 374 and medical marijuana establishments, and possible direction to staff to: (i) not accept any applications related to medical marijuana; and, (ii) amend Title 4 and Title 18 to place a stay on the acceptance of applications related to medical marijuana establishments within the corporate limits of the city. 1:15 PM

**Recommendation:** Staff recommends Council adopt the following recommendations:

1. Accept staff report;
2. Adopt Resolution No. \_\_\_\_\_ directing staff not to accept any applications related to medical marijuana establishments;
3. Direct staff to prepare an ordinance amending Title 4 of the Reno Municipal Code to place a stay on the acceptance of business

license applications related to medical marijuana establishments;  
and

4. Direct staff to initiate a text amendment to Title 18 of the Reno Municipal Code to place a stay on the acceptance of use, building, or other permits related to medical marijuana establishments.

**Proposed Motion:** I move to approve staff recommendations.

Cadence Matijevich, Assistant City Manager, provided an overview of the Staff Report. She recommended that the City wait until the State's regulatory process had been completed, and suggested that at the conclusion of that process it would be easier to determine whether the regulations were comprehensive enough, and whether additional regulations would be duplicative or cause potential applicants to have to submit the same information to both the City and the State if indeed it were the policy decision of the Council to allow medical marijuana establishments to operate in the City of Reno. Ms. Matijevich also recommended that until such time as those regulations were in place and staff had an opportunity to analyze the operational and legal implications of those regulations that the Council provide direction to staff to 1) place a stay on the acceptance of any business license or land use permit applications related to medical marijuana establishments, and 2) direct staff to initiate text amendments to Title 4 and Title 18 of City Code.

Sam Dehne, Reno resident, presented his views on this issue.

Ted Levatter, 420 Reno Avenue, presented his views on this issue.

Kevin Quint, 505 South Arlington Avenue #110, Executive Director of Join Together Northern Nevada, discussed their work on medical marijuana establishments.

Katie Colling, 635 North Maddux, presented a Public Comment Form, but did not speak.

Council Member Jardon and Ms. Matijevich discussed what other entities within the State were doing in this regard.

Council Member Brekhus said that she did not support the proposal to make Code amendments at this time, and noted that it might be difficult to lift a prohibition once it was in place.

Council Member Dortch said that he favored approving the staff recommendations because it would protect the City from having to accept applications while they were still trying to figure out what the landscape would look like and what the State was going to do.

Council Member Dortch made a motion to uphold the staff recommendations, and the motion was seconded by Council Member Zadra, who said that the City should not accept any until the State had finished their work.

Council Member Zadra and Ms. Matijevich agreed that the soonest a detailed report from the State regarding the regulations would be April 1, 2014.

Council Members Dortch and Zadra requested that staff provide an update as soon as possible after the State concluded their work.

Council Member Brekhus stated that she would not support moving the text amendments forward. She said that the City did not necessary have to act on every application that was submitted for that subscribed activity, and suggested that someone who had a constitutional right to it would point to the prohibition language and claim that the City was depriving them. She stated that the City should just sit back and wait.

Ms. Matijevich discussed the 180-day moratorium the City of Las Vegas placed on accepting applications related to the operation of medical marijuana establishments, and explained that the text amendments would only put a stay (i.e., moratorium) on the acceptance of new applications, not impose a prohibition on medical marijuana establishments.

The Council upheld the staff recommendations.

<b>RESULT:</b>	<b>APPROVED [5 TO 1]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Sharon Zadra, Council Member
<b>AYES:</b>	Zadra, Delgado, Dortch, Jardon, Schieve
<b>NAYS:</b>	Jenny Brekhus
<b>ABSENT:</b>	Robert Cashell

J.6.2 **Resolution No. 7896:** Resolution No. \_\_\_\_\_ (For Possible Action) Resolution of the Reno City Council directing the City Manager not to accept any applications or requests to operate or permit any medical marijuana establishments as defined by SB374 of the 2013 Legislative Session. 1:43 PM

**Recommendation:** Staff recommends Council adopt Resolution No. \_\_\_\_\_.

**Proposed Motion:** I move to adopt Resolution No. \_\_\_\_\_.

Resolution No. 7896 was adopted.



<b>RESULT:</b>	<b>ADOPTED [5 TO 1]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Sharon Zadra, Council Member
<b>AYES:</b>	Zadra, Delgado, Dortch, Jardon, Schieve
<b>NAYS:</b>	Jenny Brekhus
<b>ABSENT:</b>	Robert Cashell

- J.7 Approval to provide authority to the City Manager and the City Attorney's Office to settle pending litigation instituted by David Evans against the City of Reno et al, filed in the Second Judicial District Court, the related appellate case filed in the Nevada Supreme Court and other proceedings and matters in an monetary amount not to exceed \$330,200, which authority includes finalization of settlement terms, execution of related documents and pleadings, and other matters relating thereto (General Fund). 5:18 PM

Jack Campbell, Deputy City Attorney, stated that he was under judicial order to keep confidential the work he had done on this case, and stated that he could respond to direct questions from the Council within the limits of that confidentiality order, as well as within the limits of the order of the Second Judicial District Court sealing the matter.

Council Member Brekhus asked what staff was asking the Council to do.

Mr. Campbell replied that staff was asking the Council to grant the City Manager and City Attorney's Office authority to complete the mediation that was started during the court-ordered mediation process. Once the Second Judicial District Court Judge decided to intervene in the administrative process, he said, the only way for the City to finish the administrative process against Deputy Chief Evans at that time was to challenge the Court's decision and appeal the matter directly to the Supreme Court. When one does that, he continued, it would be a civil matter, and every appeal that goes to the Supreme Court must go through a mandatory mediation process whereby the Court appoints a judge and the impetus is for the parties to settle in order to reduce the Court's docket and free up Court resources. Mr. Campbell explained that through that process they had reached an agreement that would allow the City to realize the goal it had when they filed the appeal, which was to get rid of the Second Judicial District Court's decision because it had wide-sweeping effect to their relationships with their bargaining units and created insecurity for the labor relations groups, the labor organizations, and those managing them. This mediation agreement that we have reached and hope to finalize, he continued, would allow us to realize that goal now, several years in advance - we would have the Court issue a decision that would expunge the District Court's order, and we would resolve the matter and separate ourselves from Mr. Evans two to three years before we would have had we elected to chase the appellant process, and would probably realize between \$600,000 and \$800,000 in savings just in not having to pay his salary and benefits for that time.

Vice Mayor Zadra noted that two of the Council Members had represented the Council at the hearings, and asked if they had anything to add to Mr. Campbell's summary.

Council Member Dortch said that there really was no good outcome available in this case, and the negotiators felt that the City's exposure over the anywhere from 18 to 40 months that it could take to bring the case before the Supreme Court would cost in excess of \$1,000,000. At the end of the day, he said, we negotiated a settlement of \$330,200 and a guarantee that no judge would tell the City that Mr. Evans would have to come back to work. Mr. Dortch said that the negotiators felt that this was the best outcome for the members of the Police Department, the employees of the City, and the taxpayers.

Council Member Schieve said that approving the agreement would send the wrong message and make it look like the City rewarded people for bad behavior.

Council Member Jardon said that while she did not disagree with Ms. Schieve, after having been in the trenches with Mr. Campbell over this issue for the past month or so and dealing with a very difficult situation that Mr. Evans put them in, the situation was that the Court took away the City's first option of what they would have preferred to do and left them with the option of pursuing a cost benefit analysis. Approaching the issue from a business perspective was truly the only approach left to us, she said, and in looking at it from that perspective, we had to consider what was in the best interest of the police officers and the City of Reno. She said that it came down to keeping Mr. Evans on administrative leave for three to four years at a cost of upwards of a \$1,000,000 versus getting rid of him now.

Mr. Campbell said that as far as he could determine, the Second Judicial District Court's action was unprecedented; no history could be found of a District Court invading the administrative process, no judge could be found that had ever seen it happen before, and no case law or anyone else could be found that had seen it happen before. In fact, he said, Judge Adams, in his order, said that he did not know of anybody having done it before. Mr. Campbell said that he thought this Council was subjected to a set of facts that nobody could have anticipated, and the Court tied the Council's hands on how the City could move forward and still accomplish the goal they had hoped to accomplish.

Council Member Brekhuis thanked staff and Council Members Dortch and Jardon for their participation in the process, and stated her support of the settlement agreement. She noted that the Council was briefed on this issue in December 2012 or January 2013, spent approximately 10% of their time in closed sessions (under the guidelines of the law) considering a range of issues, and were apprised of the case as it progressed. Ms. Brekhuis summarized the proposed resolution of the issue by saying that the Council was vesting authority in the City Manager and

City Attorney's Office to draft and execute an agreement that included terms and conditions the Council had not yet seen - although they had been apprised of the financial agreements that had been tentatively settled at the mediation - and would request that he provide them with a copy of the agreement when it had been executed.

Council Member Delgado and Vice Mayor Zadra expressed their concerns about the settlement, and the rationale for their support of it.

Eddie Lorton, 100 North Arlington Avenue #16D, said that it was unfortunate that bad behavior had to be rewarded, but the settlement agreement made sense to him.

<b>RESULT:</b>	<b>APPROVED [5 TO 1]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Jenny Brekhus, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon
<b>NAYS:</b>	Hillary Schieve
<b>ABSENT:</b>	Robert Cashell

## **K City Clerk**

### **K.1 Boards and Commissions Appointments**

#### a. Financial Advisory Board (For Possible Action)

Steven Anderson was re-appointed to the Financial Advisory Board.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Neoma Jardon, Council Member
<b>SECONDER:</b>	Jenny Brekhus, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell, Dwight Dortch

#### b. Regional Planning Commission (For Possible Action)

Paul Olivas was appointed as Alternate to the Regional Planning Commission.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jenny Brekhus, Council Member
<b>SECONDER:</b>	Neoma Jardon, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell, Dwight Dortch

#### c. Access Advisory Committee (For Possible Action)

Patricia Thompson was appointed to the Access Advisory Committee.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Hillary Schieve, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell, Dwight Dortch

- K.2 Staff Report (For Possible Action): Discussion and potential direction to the City Clerk and the City Attorney's Office on pursuing available legal remedies to determine if the office of Mayor is a separate office than that of Council Member for application of term limits imposed by the Nevada Constitution. (For Possible Action)

**Recommendation:** It is recommended that City Clerk and City Attorney's Office be provided authority to pursue available legal remedies to confirm if the office of Mayor is a separate office than that of Council Member for application of term limits imposed by the Nevada Constitution.

**Proposed Motion:** I move to approve the staff recommendation.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

## L Mayor and Council

- L.1 Identification of Mayor and Council Items for future agendas of the Reno City Council. 5:34 PM

COUNCIL MEMBER DORTCH PRESENT AT 5:34 P.M.

Council Member Jardon requested a discussion and potential direction to staff regarding the preparation of a text amendment relative to some of the City's surface parking.

### L.2 Liaison Reports

NO ACTION WAS TAKEN ON THIS ITEM.

- L.3 Reports from any conferences or professional meetings. 5:34 PM

NO ACTION WAS TAKEN ON THIS ITEM.

- L.4 **Resolution No. 7899:** Staff Report (For Possible Action): Resolution No. \_\_\_\_\_ Resolution donating Council Donation funds to the University of Nevada, Reno Foundation (UNR) for the UNR Wolf Pack Marching Band's purchase of replacement uniforms and band instruments in the amount of \$1,000 (General Fund). [Cashell] 5:34 PM

**Recommendation:** Staff recommends Council adopt Resolution No. \_\_\_\_\_ and approve the request to allocate a Council donation to the University of Nevada, Reno, Foundation for the UNR Wolf Pack Marching Band in the amount of \$1,000.

**Proposed Motion:** I move to adopt Resolution No. \_\_\_\_\_.

Resolution No. 7899 was adopted.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Robert Cashell, Dwight Dortch
<b>SECONDER:</b>	Neoma Jardon, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

L.5 **Resolution No. 7900:** Staff Report (For Possible Action): Resolution No. \_\_\_\_\_ Resolution donating Council Donation funds to the Women and Children's Center of the Sierra to provide anti-poverty education to women working to create a better future for their families in the amount of \$500 (General Fund). [Delgado] 5:35 PM

**Recommendation:** Staff recommends Council adopt Resolution No. \_\_\_\_\_ and approve the request to allocate a Council donation to the Women and Children's Center of the Sierra in the amount of \$500.

**Proposed Motion:** I move to adopt Resolution No. \_\_\_\_\_.

COUNCIL MEMBER BREKHUS ABSENT AT 5:35 P.M.

Resolution No. 7900 was adopted.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Oscar Delgado, Hillary Schieve
<b>SECONDER:</b>	Dwight Dortch, Council Member
<b>AYES:</b>	Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell, Jenny Brekhus

L.6 **Resolution No. 7901:** Staff Report (For Possible Action): Resolution No. \_\_\_\_\_ Resolution donating Council Donation funds to the Northern Nevada Literacy Council to provide classes and programs to improve occupational skills in the amount of \$1,000 (General Fund). [Delgado] 5:35 PM

**Recommendation:** Staff recommends Council adopt Resolution No. \_\_\_\_\_ and approve the request to allocate a Council donation to the Northern Nevada Literacy Council in the amount of \$1,000.

**Proposed Motion:** I move to adopt Resolution No. \_\_\_\_\_.

Resolution No. 7901 was adopted.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Oscar Delgado, Council Member
<b>SECONDER:</b>	Hillary Schieve, Council Member
<b>AYES:</b>	Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell, Jenny Brekhuis

L.7 **Resolution No. 7902:** Staff Report (For Possible Action): Resolution No. \_\_\_\_\_ Resolution Donating Council Donation funds to the University of Nevada, Reno, International Club for the Night of All Nations special event celebrating diversity in the amount of \$500 (Council member Jardon: \$250 and Council member Delgado: \$250) (General Fund). **[Delgado, Jardon]** 5:35 PM

**Recommendation:** Staff recommends Council adopt Resolution No. \_\_\_\_\_ and approve the request to allocate a Council donation to the University of Nevada, Reno, International Club in the amount of \$500.

**Proposed Motion:** I move to adopt Resolution No. \_\_\_\_\_.

Resolution No. 7902 was adopted.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Oscar Delgado, Council Member
<b>SECONDER:</b>	Neoma Jardon, Council Member
<b>AYES:</b>	Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell, Jenny Brekhuis

L.8 Discussion and potential direction to the City Manager to utilize two or more hours of staff time to create a policy for health-related emergencies and the role of City response. **[Zadra]** 5:36 PM

COUNCIL MEMBER BREKHUIS PRESENT AT 5:36 P.M.

Vice Mayor Zadra noted that the City already had some provisions in place that could assist in this regard.

Tracy Chase, Chief Deputy City Attorney, said that Reno Municipal Code (RMC) Chapter 8.34 governed emergency management, and Chapter 8.34.020 created a City of Reno Emergency Management Board. She said that the Board consisted of the Mayor, City Manager, Fire Chief, Police Chief, Public Works Director and others from the Management Team as designated by the City Manager, was responsible for the resolution of emergencies and disasters, and had the power and authority to take whatever action was required to accomplish that goal. In furtherance of their duties, Ms. Chase said, the Board was responsible for the City's emergency management plan, evaluating and revising it when needed. Ms. Chase summarized by saying that an emergency plan was in place, and the Council could direct the Emergency Management Board to examine any issues they deemed necessary.

Vice Mayor Zadra stated that would be her direction to staff.

Council Member Brekhus and Ms. Chase discussed whether this was a policy or legal issue, and Ms. Brekhus stated her support for examining the Council's ability to respond to health emergencies such as the recent air quality issues caused by smoke from nearby fires.

The Council authorized the use of two or more hours of staff time to examine the issue.

<b>RESULT:</b>	<b>APPROVAL [UNANIMOUS]</b>
<b>MOVER:</b>	Jenny Brekhus, Council Member
<b>SECONDER:</b>	Neoma Jardon, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

L.9 Discussion and potential direction to the City Manager to utilize two or more hours of staff time to create an ad-hoc task force or committee to examine homeless issues. [**Jardon**] 5:39 PM

Council Member Jardon discussed the formation of an ad-hoc task force for homeless issues.

The Council authorized the use of two or more hours of staff time to examine the process of forming a task force to address homeless issues.

Katie Colling, 635 North Maddux Drive, suggested involving in the task force local non-profits, local businesses, City staff, the Police Department, Volunteers of America, anyone who was involved in putting tent city together, and anyone that would be affected by the task force's decisions. She said that the scope of the task force should include permanent overflow and immediate placement issues because winter would soon arrive, alternative housing options for those who were still in the process of getting 'clean,' providing clients with something productive to do while in residence at the shelter, providing an accurate count of the homeless population, perhaps forming a police oversight committee, and finding a way to work with local businesses, utility companies and employment programs to provide funding. Ms. Colling stated her desire to be a member of the task force and for the creation of a transparent process for enlisting others who wanted to be involved.

The Council authorized the use of two or more hours of staff time to explore the issue.

<b>RESULT:</b>	<b>APPROVAL [UNANIMOUS]</b>
<b>MOVER:</b>	Neoma Jardon, Council Member
<b>SECONDER:</b>	Dwight Dortch, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

L.10 Discussion and potential direction to the City Manager to utilize two or more hours of staff time to prepare an update on Planned Unit Development (PUD) Handbook Certifications. **[Brekhus]**

THIS ITEM WAS WITHDRAWN FROM THE AGENDA.

L.11 Update, discussion and potential direction to staff regarding the creation of an advisory body with a focus on technology and innovation through either an initiation of an ordinance establishing a board or a resolution establishing a committee and providing other direction relating to the term, membership, qualifications, purpose, authority and goals of such advisory public body and other matters properly relating thereto. **[Schieve]** 5:44 PM

Council Member Schieve discussed the rationale for creating a technology and innovation board.

The Council authorized the use of two or more hours of staff time to examine the issue.

<b>RESULT:</b>	<b>APPROVAL [UNANIMOUS]</b>
<b>MOVER:</b>	Hillary Schieve, Council Member
<b>SECONDER:</b>	Neoma Jardon, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

**M Public Hearings - 6:00 PM**

M.1 Staff Report (For Possible Action): Case No. LDC13-00065 (Longley Professional Center Sign Variance) Request for a variance to allow for the construction of a “flashing/animated” sign in the IC (Industrial Commercial) zone. The ±64,309 square foot site is located on the southwest corner of Longley Lane and Maestro Drive at 7025 Longley Lane. The site has a Master Plan land use designation of Industrial. This project was appealed by Kenneth Krater. **[Ward 2]** 6:14 PM

**Recommendation:** The Planning Commission recommends Council deny the requested variance.

**Proposed Motion:** I move to uphold the recommendation of the Planning Commission.

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A RECESS WAS CALLED AT 5:45 P.M. AND UPON RECONVENING AT 6:14 P.M., MAYOR CASHELL WAS ABSENT. VICE MAYOR ZADRA PRESIDED IN MAYOR CASHELL'S ABSENCE.

The Vice Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and no correspondence was received.

Vice Mayor Zadra opened the public hearing and asked if anyone wished to speak.

Ken Krater, appellant representing the applicant, said that the applicant was requesting a variance to allow a computer-controlled 3' x 8' digital advertising display on an existing 16' tall pylon sign per the definition for a changeable sign in the Reno Municipal Code (RMC). He said that this type of display required a variance in the Industrial Commercial zoning district and the site had a land use designation that would allow a zone change to General Office where this type of sign would be permitted, but the applicant could not afford the \$11,000 in application fees due to the fact that they had a large number of vacancies. The applicant did not want a flashing sign or photos or pictures or other types of animation, he said, just simple advertising in messages in a digital text display. Mr. Krater discussed lighting and the location of the sign, and what he believed to be hardships related to advertising on the property.

The Vice Mayor closed the public comment portion of the hearing.

Vern Kloos, Community Development Senior Planner, outlined the Planning Commission's reasons for denying the project.

Vice Mayor Zadra disclosed that she discussed details of the request with the applicant, and found it compelling that 1) there was another lit sign not far from the applicant's property, and 2) the \$11,000 in application fees was a brutal reality.

Council Member Dortch asked Mr. Krater to address the Planning Commission's inability to make findings 'a', 'b' and 'd'.

Mr. Krater said that the variance findings in RMC were very broad and allowed the decision-making body great discretion in making them. He said that he believed the hardship clearly existed due to the fact that the property was at the far southern boundary of a large Industrial Commercial zone, the property was too small for most of the typical industrial uses, and clearly it would not be in anybody's interest to allow the more intensive uses that were permitted on the site such as automotive repair or adult businesses.

Council Member Brekhus said that she was not sure she could draw the same conclusion as Council Member Zadra that a fee represented a hardship, and to do so might encourage every applicant to lodge a complaint about the City's fees and claim a hardship on a variance request. Ms. Brekhus noted that the findings were not just RMC findings, but

Nevada Revised Statutes (NRS) findings.

Mr. Kloos agreed that the City's findings were modeled on State law.

Council Member Brekhus stated that the inability to make even one of the findings was grounds for denial of an application, and she and Mr. Kloos discussed why staff believed that no determination of a hardship or exceptional situation was justified in this case.

Council Member Brekhus stated why she supported the Planning Commission's decision to deny the requested variance.

Council Member Dortch deferred to Vice Mayor Zadra because the property was located in her ward, and stated that he could make the findings.

Vice Mayor Zadra noted that not one resident or business in the area had objected to the proposal, and stated that while she could also make the findings, someone else would have to make the motion because she was serving as Vice Mayor.

Council Member Schieve agreed that the findings could be made and made the motion, which was seconded by Council Member Dortch, to overturn the recommendation of the Planning Commission.

Council Member Dortch said that finding 'a' could be made because of the surrounding land uses, one of the conditions that could be examined; finding 'b' could be made based on the applicant's testimony that there were already exceptional and undue hardships; and finding 'd' could be made because that was the reason for going through the process for a variance - it was consistent and they were following the processes they needed to follow.

The Council reversed the recommendation of the Planning Commission and approved the requested variance.

<b>RESULT:</b>	<b>APPROVED [5 TO 1]</b>
<b>MOVER:</b>	Hillary Schieve, Council Member
<b>SECONDER:</b>	Dwight Dortch, Council Member
<b>AYES:</b>	Zadra, Delgado, Dortch, Jardon, Schieve
<b>NAYS:</b>	Jenny Brekhus
<b>ABSENT:</b>	Robert Cashell

M.2 Staff Report (For Possible Action): An appeal of Administrative Interpretation 13-02 (precipitated by Gaslight Lane Special Use Permit) which determines that a division of land into two or more parcels shall not be considered development for the purpose of requiring a special use permit. This item was appealed by Thomas Bell, Mervyn and Marcella Davis, Denise Edwards, Michael Pagni, Lee McCord, Justin Williams, and Gayle Kern. **[All Wards]** 6:28 PM

**Recommendation:** Staff recommends City Council uphold the recommendation of the Hearing Officer.

**Proposed Motion:** I move to approve staff recommendation.

Vice Mayor Zadra opened the public hearing.

Jonathan Shipman, Deputy City Attorney, clarified what the agenda item involved, and outlined the next steps in what was a much broader process. He said that the hearing was on a very narrow legal question regarding an administrative interpretation made by the Administrator and how the Reno Municipal Code (RMC) was not consistent with State law, and not a hearing to discuss the Gaslight issue.

Fred Turnier, Community Development Director, explained the overall process that had evolved from the Council's denial of the Gaslight project, and the Planning Commission's denial of a subsequent Special Use Permit (SUP) request that was triggered by a parcel map. Mr. Turnier also explained in detail the mistake that had been found in RMC, and staff's efforts to amend RMC to comply with Nevada Revised Statutes (NRS).

Claudia Hanson, Community Development Planning and Engineering Manager, provided an overview of the process to this point, and specifics about the interpretation itself.

Vice Mayor Zadra, Ms. Hanson and Mr. Shipman discussed the history of the Gaslight project requests and appeals.

Council Member Schieve and Ms. Hanson discussed timing issues related to the ongoing process.

Vice Mayor Zadra reiterated that the action tonight had nothing to do with any former or future project or use of this land that had been previously considered or may be proposed in the future, it was only about clearing up the disconnect between RMC and NRS (the City's requirements versus the City's authority).

Council Member Dortch disclosed that he lived in University Ridge but was not within the noticing boundaries of the Gaslight project, and was a member of the Homeowners Association (HOA) that had filed the appeal. He said that he sought a ruling of the Ethics Commission regarding whether he could hear items in which the HOA was involved, and they ruled that he could. Mr. Dortch also said that a full disclosure prepared by the City Attorney's Office was on file from the last hearing, and requested that it be put on the record for tonight's hearing.

The Vice Mayor asked if proper notice was given.

City Clerk Jones stated that proper notice was given and numerous documents from the attorneys representing both sides of the issue had been received, as well as e-mails in opposition to the Special Use Permit from 1) Becki LaCroix, weasieworld@charter.net, and 2) Gayle A. Kern, attorney representing the University Ridge HOA.

Michael Pagni, attorney representing the applicant (C4 Equity, LLC), requested that the

Council consider procedural issues with respect to the appellants' standing as aggrieved persons and documents that had been presented by the attorney representing the HOA before proceeding with the hearing.

Mr. Shipman noted that whether to hear or strike from the record the information that had been presented was at the Council's discretion.

Council Member Brekhuis discussed issues regarding 'standing', and said that she was not inclined to have any information struck from the record.

Council Member Dortch asked if the Council had to determine whether the appellants were aggrieved, and Mr. Shipman replied in that it was necessary to determine whether the appellants were aggrieved before proceeding with the hearing.

Council Member Dortch said that because the site was adjacent to residential property, the appellants were affected by the Administrator's decision, and in that sense, they did have standing and were aggrieved.

Mr. Pagni said that adjacency did not mean near, and was defined by City Code to mean that they share a common property boundary. If they do not share a common boundary, he said, by definition they are not adjacent.

Gayle Kern, attorney representing the University Ridge HOA, stated that they did share a common boundary.

Council Member Dortch made a motion, seconded by Council Member Jardon, to find that the appellants were aggrieved.

Motion carried with Mayor Cashell absent.

Ms. Kern discussed in detail why she believed the case could not be examined in a vacuum, and why she believed there was no conflict of the City's Code with State law.

Mr. Pagni stated that the appeal was about a process, not a project, and the Council was only being asked to confirm what legal procedures applied when an owner of Industrial zoned land wanted a parcel map, and whether the City's procedures should comply with State law. We got here today because your staff recognized that your process was flawed, he said, and discussed the requirements and conditions that can be imposed on a parcel map. He said that there was substantial evidence to support the Administrator's decision, it was the right decision, protected the process, and provided a fair process, and all of the concerns the Council had heard in opposition were premature because this was not the time for those concerns to be addressed.

Vice Mayor Zadra opened the public comment portion of the hearing.

The following 16 individuals spoke in opposition to the Administrative Interpretation: 1)

Eddie Lorton, 100 North Arlington Avenue #16D; 2) Cole Patterson, no address provided; 3) Valerie Bishop, 49 Chablis Drive; 4) J.S. McElhinney III, 1181 University Ridge Drive; 5) Lou Alanko, 3479 Weaver Place; 6) Thomas W. Bell, 945 Morrill Hall Court; 7) Bill Long, 1004 University Ridge Drive; 8) David Bavol, 721 Sienna Park Drive; 9) Denise E. Edwards, 1121 University Ridge Drive; 10) Lee McCord, 3476 Weaver Place; 11) Bill Metscher, 999 University Ridge Drive; 12) Stephen Child, 1164 University Ridge Drive; 13) Kris Lemaire, 3060 Socrates Drive; 14) Auguste Lemaire, 3060 Socrates Drive; 15) Mervyn Davis, 1111 University Ridge Drive; and 16) Justin Williams, 1035 South University Park Loop.

The following 40 Public Comment Forms in opposition to the Administrative Interpretation were received from individuals who did not wish to speak: 1) Major Douglas J. Parsons, Ret, 30 Chianti Way; 2) Lee Duryee, 942 University Ridge Drive; 3) Roy Herrick, 936 University Place; 4) Kim Hornby, 820 Isis Court; 5) Colin McCord, 3476 Weaver Place; 6) LeRoy W. Arneson, 1121 University Ridge Drive; 7) Beverly Deerfoot, 3076 Achilles Drive; 8) Margie Custer, 1150 South University Park Loop; 9) David Gibbens, 1174 University Ridge Drive; 10) Susan Peticolas, 820 Isis Court; 11) Dan Marshall, 720 Sienna Park Drive; 12) Robert and Sylvy Titus, 985 Sienna Park Drive; 13) C. Nguyen, 941 South University Park Loop; 14) John and Marjorie Kerr, 865 Mackey Court; 15) Ron Lorenzen, 1150 South University Park Loop; 16) Dwight and Rosalind Sur, 3570 Rock Ridge Court; 17) James and Joyce Duncan, 941 University Place; 18) Judy Chisholm, 950 Stadium View Court; 19) Fred Arndt, 990 Stadium View Court; 20) Robert Brainard, 905 Morrill Hall Court; 21) Carolyn Brainard, 905 Morrill Hall Court; 22) Roger and Marie Pollock, 970 South University Park Loop; 23) Lisa Hansen, 860 Mackey Court; 24) Noel English, 995 North University Park Loop; 25) Susan Kopy, 2986 Zeus Way; 26) Sally Larimore, 952 University Ridge Court; 27) Gary Larimore, 95 University Ridge Court; 28) Judy Metscher, 999 University Ridge Drive; 29) Brett Shumsky, 3660 Sienna Vista; 30) Cheri Fierro, 3416 Weaver Place; 31) Mike Fierro, 3416 Weaver Place; 32) Bonnie Larsen, 905 University Place; 33) Becki LaCroix, 920 Cloud View Circle; 34) David Kauffman, 86 Cabernet Parkway; 35) Frank Lucash, 300 Greenstone; 36) Brita Martiny, 640 Sienna Park Court; 37) Thomas, 640 Sienna Park Court; 38) Hisae Child, 1164 University Ridge Drive; 39) Timothy Gary, 869 South University Park Loop; and 40) a resident of 950 Stadium View Court.

Ken Krater, 901 Dartmouth Drive, presented a Public Comment Form in support of the Administrative Interpretation, but did not speak.

A representative of C4 Equity, LLC, presented a Public Comment Form in support of the Administrative Interpretation, but did not wish to speak.

The Vice Mayor closed the public comment portion of the hearing.

A 10-MINUTE RECESS WAS CALLED, AND UPON RECONVENING MAYOR CASHELL WAS ABSENT. VICE MAYOR ZADRA CONTINUED TO PRESIDE IN MAYOR CASHELL'S ABSENCE.

Council Member Dortch and Mr. Shipman discussed Ms. Kern's issues regarding NRS 278, and the Administrative Interpretation that the City could not require an SUP for mapping. Council Member Dortch said that sometimes all of the findings for a case did not necessarily apply to that application, and he and Mr. Shipman agreed that all of the evidence presented in the case could be considered by the Council.

Ms. Hanson and Council Member Dortch discussed whether the SUP finding regarding compatibility with existing surrounding land uses was pertinent in this case, and Council Member Dortch said that it could be argued that it was applicable because previously there was an Industrial parcel adjacent to residential and afterwards there would be four Industrial parcels adjacent to residential.

Council Member Dortch asked if there were adequate services and infrastructure to support four parcels, and Ms. Hanson replied that the finding was covered under NRS 462, and could be considered under both scenarios. They discussed other findings that might or might not be applicable to a parcel map application.

Council Member Dortch reiterated that some findings were associated with the application while some were not, and the Council had always considered only the findings that were applicable to the specific application under review.

Council Member Dortch and Mr. Shipman agreed that the Council would be within the provisions of NRS 462 if they only considered the findings that apply to this specific issue.

Mr. Pagni explained the de novo review standard, and questioned whether there was any evidence that the Administrator abused her discretion in making the interpretation.

Council Member Brekhus and Ms. Hanson discussed the difference between a parcel map and a subdivision, and Ms. Brekhus discussed what she believed was the legislative intent of NRS 462. They also discussed other aspects of parcel mapping and SUP provisions in NRS.

Council Member Jardon and Ms. Hanson discussed the public hearing process and future opportunities for the residents to be involved in the process.

Vice Mayor Zadra asked if there was currently any activity on the parcel that created the dust referred to by one of the residents during public comment.

Mr. Pagni reiterated that the issue before the Council had nothing to do with the use of the site. He said that there was a building on the property, the property had been zoned Industrial for over 40 years, had that zoning entitlement and the lawful industrial uses long before the residential subdivision ever existed, and the owner had access rights to the building. He also said that there was no current business being operated on the site.

Council Member Brekhus, Ms. Kern and Ms. Hanson discussed various provisions of

NRS.

Council Member Brekhus and Ms. Hanson discussed minimum lot size and minor deviation issues, and whether asking for a minor deviation or administrator's deviation was, under Ms. Hanson's reading, available to the applicant through the parcel map process.

Ms. Hanson replied that a minor or administrator's deviation was available to this applicant, and Ms. Brekhus asked why it was not available if an SUP was not under the interpretation of applicability to parcel mapping. Ms. Hanson replied that the [relevant] portion of Title 18 was in conflict with NRS 278.

Ms. Brekhus questioned the difference between the two, and Ms. Hanson replied that NRS 462 limited the City with respect to what they were allowed to enforce.

Council Member Brekhus said that it spoke to requirements, and the requirements spoke very specifically to infrastructure requirements, not to procedure. She said that the decision was flawed and it did not rely on substantial evidence.

Ms. Hanson stated that staff was following all of NRS 278.462, and there was a portion of RMC Title 18 that did not conform with NRS.

Council Member Brekhus explained that one got to NRS 462 by reading all of the dozens of provisions from 010 to 630, some of which were procedural and others that were more specifically related to requirements or standards, or were enabling. She suggested that by pulling out NRS 462 staff was inaccurately focusing on what the requirements were, and it conflicted with the procedural elements. Particularly if you say they could do an abandonment with a parcel map, or they could do a minor deviation with a parcel map. If you are talking about procedures, Ms. Brekhus said, you have to put them all on the same plane.

Ms. Hanson replied that they could do an abandonment or a minor deviation as long as they were in conformance with NRS 462 and it did conflict with any other section within NRS 278. We always have to follow NRS 278, she stated, but the section of Title 18 is what is in conflict with NRS 278.

Council Member Brekhus said that she disagreed because if you gave a minor deviation on a lot size, that would be a zoning issue as much as the SUP because it is a zoning standard, and the ones [Ms. Hanson] pointed to were infrastructure requirements.

Ms. Hanson replied that a minor deviation was something an applicant requested while NRS 278.NRS 462 limited what the City had the ability to do (i.e., one is what the City can do, and the other one is what an applicant has the ability to apply for).

Council Member Brekhus suggested that staff was cherry picking among the procedures (i.e., those that may be availing to the applicant and those that may put the applicant into

a process of greater review).

Ms. Kern said that she disagreed with Mr. Pagni because she believed the Council did not have to uphold the Administrator's interpretation even if it was wrong just because the Administrator had not acted maliciously or capriciously.

Council Member Dortch asked if the standard that had to be met tonight was abuse of discretion, and Mr. Shipman replied that it was de novo (i.e., you have the record and the authority to determine the law and the application of the law based on the evidence).

Council Member Dortch asked Mr. Pagni if it was his position that there could not be an SUP for mapping.

Mr. Pagni explained that this came about because the HOA argued that, as a matter of law, a stand-alone parcel map could never meet the criteria required for an SUP because there was no proposed use.

Council Member Dortch said that his argument was that those conditions did not apply to a parcel map.

Mr. Pagni said that he would be curious to know which conditions those were and, if they were the conditions in NRS 278.462, he still did not believe an SUP was the appropriate procedural mechanism for a map.

Council Member Dortch said that he was not asking whether it was appropriate but rather whether it was legal.

Mr. Pagni said that in his mind that was the same thing because mapping and uses were different concepts; land use was what you put the land to, the map was what it looked like. When you look at an SUP, he said, you try to evaluate the uses, and you imposed special conditions on the uses (e.g., lighting, noise and traffic conditions) because you were looking at a project; what the applicant wanted to do - conditions on that activity on the land. He said that did not work with maps because all they were doing was saying 'this is the size and shape of the lot'. If you ever want to put it to a use, then all the use criteria apply. You are applying a mechanism that has nothing to do with mapping, and that is the inconsistency. If NRS 278 includes provisions about military installations it does not mean that we have to follow those when we look at a map. You have to look at these statutes as a whole. Statutory construction. It is absurd to have a use condition on something that has no use. The position the applicant has taken is that legally the process that we have to go through is a parcel map. We have to read all these criteria to get a map because all we are doing is dividing the land. If we want to do more, if we want to intensify the uses, if we are combining the map with something else, then that is where the SUP comes in.

Council Member Dortch said that an argument could be made that the applicant would be intensifying the uses.



Mr. Pagni said that the applicant was not intensifying the uses because, as a matter of law, intensification came from the use(s) and, if there was no use then there was nothing to intensify.

Council Member Dortch suggested that by parceling the parcel the applicant would be intensifying the allowed uses.

Mr. Pagni stated that the applicant was not intensifying the uses. He said the uses allowed remained the same because the same acreage was involved, regardless of whether there was one parcel or four parcels. Mr. Pagni said that by definition it would be less intense because there would be four setback requirements to follow instead of one, and that would reduce the square footage.

Council Member Dortch said that the land use would be more intensive because there would be more allowed uses without any further review, uses of the parcel that had never before been allowed, and the only reason for the SUP requirement was because it was adjacent to residential. On any other Industrial parcel in the City, Mr. Dortch said, you could parcel it and not have any issues.

Mr. Pagni asked if he could have any use that was set forth in Code as an allowed use in the Industrial zone on any Industrial parcel in the City that was not adjacent to residential, and Council Member Dortch replied 'yes'.

Mr. Pagni said that what Council Member Dortch was essentially saying was that he wanted to spot zone this property and treat it differently. If I parcel it then now I have a property that is not adjacent, which by your own policy (established by City Code) imposes no impacts on a residential use, which requires no special use review because it is not adjacent, that adjacency is the trigger requirement, and as soon as that goes away for me I am treated differently than everybody else in town.

Council Member Dortch replied that the residential adjacency issue necessitated an SUP in order to parcel it for the reasons that had been spelled out, and would intensify the uses of the parcels that no longer had residential adjacency.

Mr. Pagni asked whether that logic would apply if he had a 640-acre parcel and he was parceling a little corner of it that was a mile and a half from residential use. He discussed in detail SUP, adjacency and Industrial zoning issues.

Council Member Brekhus discussed why she disagreed with Mr. Pagni and the Administrator's decision.

Council Members Delgado, Schieve and Jardon and Vice Mayor Zadra discussed their concerns about the Administrator's interpretation.

Council Member Dortch discussed his concerns about the process in this instance,

especially why the issue had not been brought to the Council before the Administrator's interpretation was issued.

Discussion ensued regarding whether the issue should be continued, and whether an SUP could be required for a parcel map.

Council Member Brekhus stated why she was comfortable with overturning the decision of the Hearing Officer.

Council Member Dortch made a motion to overturn the Administrator's decision, and the motion was seconded by Council Member Delgado.

Council Member Dortch said that substantial evidence had been presented that an SUP can be required for a parcel map. He said that it came down to the City's ability to determine what findings they had to implement on a parcel map, and their practice in the past had been that when a finding did not apply to an application, only the findings that did apply were considered. That, he said, is how we are within the boundaries of NRS 462.

<b>RESULT:</b>	<b>DEFEATED [UNANIMOUS]</b>
<b>MOVER:</b>	Dwight Dortch, Council Member
<b>SECONDER:</b>	Oscar Delgado, Council Member
<b>AYES:</b>	Brekhus, Zadra, Delgado, Dortch, Jardon, Schieve
<b>ABSENT:</b>	Robert Cashell

**N Public Comment**

Edward Rathje, 7477 Findhorn Drive, discussed what he referred to as a loophole for fire inspections for large office buildings that do not require a business license.

**O Adjournment (For Possible Action)**

THE MEETING WAS ADJOURNED AT 9:40 P.M.