



REGIONAL PLANNING GOVERNING BOARD

MEMBERS
Mike Carrigan, Chair
Dwight Dortch, Vice-Chair
David Aiazzi
Robert A. Cashell
Jim Galloway
Pierre Hascheff
Geno Martini
Ron Schmitt
Jim Shaw
Bonnie Weber
Dave Ziegler, Director

MINUTES

REGIONAL PLANNING GOVERNING BOARD Regular Meeting Thursday, December 9, 2004

The Regional Planning Governing Board (RPGB) met in regular session in the Washoe County Commission Chambers, 1001 E. Ninth Street, Reno, Nevada, and conducted the following business:

The meeting was called to order by Vice-Chair Dwight Dortch at 2:08 p.m.

1. ROLL CALL

The clerk called the roll, and Regional Planning Governing Board Members in attendance were: Dwight Dortch, David Aiazzi, Bob Cashell, Jim Galloway, Pierre Hascheff, Geno Martini, Ron Schmitt, and Bonnie Weber. Chair Mike Carrigan arrived at 2:10. Members absent were: Jim Shaw.

Also present were: Dave Ziegler, TMRPA Director; Norman Azevedo, Legal Counsel (arrived at 2:23 p.m.); Randy Baxley, TMRPA; Rosanna Coombes, TMRPA; Connie Anderson, TMRPA; Patricia Rogers, TMRPA; Lora Richards, TMRPA; and Mary Kuechler, TMRPA.

2. SALUTE TO THE FLAG

Member Cashell led the salute to the flag and the Pledge of Allegiance.

3. APPROVAL OF AGENDA

MEMBER AIAZZI MADE A MOTION TO APPROVE THE DECEMBER 9, 2004, AGENDA, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH EIGHT (8) MEMBERS PRESENT.

4. PUBLIC COMMENT

Gary Schmidt announced that there will be a presentation for Jim Shaw during the Washoe County Commission Meeting on December 21, 2004, for his many years of service to the community.

5. BUSINESS OF THE DAY

- A. Consideration and possible action on RPGB Resolution 04-08 of appreciation for the service of Toni Harsh as a member of the Regional Planning Governing Board.

Dave Ziegler, Director of Regional Planning, read RPGB Resolution 04-08 for acceptance by the RPGB.

[Chair Carrigan arrived at 2:10 p.m.]

Member Galloway noted that Toni Harsh was instrumental in the landscaping of the Mapes site.

- B. Consideration and possible action on RPGB Resolution 04-07 of appreciation for the service of Jim Shaw as a member of the Regional Planning Governing Board.

Mr. Ziegler read RPGB Resolution 04-07 for acceptance by the RPGB.

MEMBER GALLOWAY MADE A MOTION TO ACCEPT RPGB RESOLUTIONS 04-07 AND 04-08, SECONDED BY MEMBER CASHELL. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- C. Consideration and possible adoption of amendments to the Regional Planning Governing Board (RPGB) bylaws to:
1. Conform the bylaws of the RPGB to the express requirements of Nevada's Open Meeting Law
 2. Remove reference in the bylaws to Mason's Manual of Legislative Procedure to make the RPC and RPGB bylaws consistent.

Mr. Ziegler stated that this is a two-step procedure. The first step has already been taken. The final step is to approve these amendments by a majority vote of the quorum.

MEMBER MARTINI MADE A MOTION TO APPROVE THE AMENDMENTS AS PRESENTED BY STAFF, SECONDED BY MEMBER HASCHEFF. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

6. ADMINISTRATIVE ITEMS

- A. Discussion and possible direction to staff regarding training options for RPGB and RPC members and staff.

Mr. Ziegler reported that there is approximately \$3,700 available in the training budget. The year-end expenses are under budget by approximately \$18,000. Mr. Ziegler reviewed options listed in the meeting packet for enhancing the training aspects of the regional planning program during the balance of FY 04-05. Regional Planning staff recommends pursuing all of the options and returning to the RPGB with a specific training and budget proposal not later than the February 2005 RPGB meeting.

Member Martini questioned the quality of training that can be accomplished with \$3,700. Mr. Ziegler stated that if we partner with the American Planning Association, we could use \$2,500 to supplement what they are already committing for a speaker and get some pretty good economy of scale.

Member Galloway stated that if we partner to bring speakers here, it would not only benefits members of the Regional Planning staff but the planning staffs of all the members of this board. Sending people to a conference only benefits those who are sent.

[Norm Azevedo arrived at 2:23 p.m.]

Member Aiazzi stated that while moving into the next Regional Plan update we should make sure that the Regional Planning Commission (RPC) is up on land use issues. Member Aiazzi suggested identifying RPC members that want to attend a planning conference and utilizing the remaining \$3,700 in the training budget for this fiscal year to send them.

Member Dortch stated that he would rather see the money used to bring people here. A budget is provided for planning commissioners to go to conferences sint it is the job as different entities to make sure that our planning commissioners are well trained. The whole RPC can not be sent to a planning conference for \$3,700. It would be better to bring a speaker here to work with the entire group.

Member Hascheff stated that with the Growth Management Task Force, it might be a good opportunity to bring in a speaker for the RPGB and the Task Force to review some of the fatal flaws that other communities have gone through. Member Hascheff stated that he would like to see staff have the opportunity to go to planning conferences when it comes to growth management issues and also see if someone good can be brought in to help the RPGB and the Growth Management Task Force.

Member Dortch agreed with Member Hascheff. The training money should be used for staff to attend these conferences and each entity should support their members attendance.

Public Comment - Gary Schmidt suggested adopting a resolution on training regarding handling public requests for records.

Chair Carrigan stated that the recommendation is to bring a budget back to the RPGB by February. Chair Carrigan suggested that Regional Planning staff provide a budget with training options ranging between \$3,700 and \$17,900.

Member Martini asked if February is soon enough to have the budget brought back or if it should be ready for the January meeting. Mr. Ziegler responded yes.

MEMBER MARTINI MADE A MOTION FOR STAFF TO PUT TOGETHER A BUDGET FOR TRAINING OPTIONS RANGING BETWEEN \$3,700 AND \$17,900 AND BRING IT BACK TO THE RPGB FOR ACTION AT THE JANUARY MEETING, SECONDED BY MEMBER AIAZZI. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

B. Discussion and possible action regarding policy on surplus items.

Mary Kuechler presented three options for the disposal of surplus personal property, including but not limited to office furniture and equipment. Regional Planning staff recommends that the RPGB approve all three possible disposal methods, to be applied as appropriate by the Director of Regional Planning.

Member Hascheff asked for confirmation that there would be no tax benefit by donating surplus items to charity. Ms. Kuechler stated that is correct.

Member Aiazzi stated that some surplus items may be classified as hazardous waste. If none of the approved disposal options are appropriate, the issue of how to dispose of those items will need to be addressed.

MEMBER GALLOWAY MADE A MOTION TO ACCEPT THE STAFF RECOMMENDATION FOR THE THREE PRIMARY MEANS OF DISPOSAL, AND IF THERE ARE NO TAKERS THEN THE DIRECTOR MAY AT HIS DISCRETION DISPOSE OF THESE AS WASTE IN A PROPER MANNER SO THAT HAZARDOUS ITEMS ARE TAKEN CARE OF WITHIN THE LAW, SECONDED BY MEMBER AIAZZI. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

7. REPORTS

A. Members' and Director's reports.

1. Report by Regional Planning staff on infill terminology, barriers and incentives

Mr. Ziegler stated that this item is a preview of a more thorough report being prepared by Regional Planning staff. Connie Anderson, Regional Planner, presented a report on incentives and barriers to infill.

Member Schmitt stated that there are some government issues that are preventing developers from beginning infill projects. Member Schmitt asked if there is anything the Truckee Meadows Regional Planning Agency (TMRPA) can do to speed up the process. Mr. Ziegler responded that Regional Planning staff will look into the local government codes to see if they are creating barriers.

Member Aiazzi stated that another possible barrier is inadequate water pressure in old systems. Member Aiazzi stated that the role of the TMRPA and RPGB on this issue needs to be determined.

Chair Carrigan suggested looking into parking requirements as a region.

Member Hascheff suggested that Regional Planning staff develop a policy with Reno, Sparks and Washoe County and bring it back to the RPGB for adoption with some timelines to make sure that all the master plans come into conformance. Member Hascheff stated that he would like to see if Transferable Development Rights (TDRs) fit into this infill development strategy.

2. Reports on process for conducting the update of the Regional Plan and on Community Partnership/Growth Management Task Force

Rosanna Coombes, Senior Planner, stated that the RPC Interim Subcommittee is aiming to bring a recommendation to the RPC for the next update of the Regional Plan at its second meeting in January.

Ms. Coombes stated that the Community Partnership group will be scheduled to present a status report to the RPGB in January.

- B. Legal counsel's report - Status report and possible direction to staff on:
1. District Court orders and appearances regarding the Regional Plan settlement agreement (October 17, 2002) and related issues, including but not limited to the water purveyor issues in the Verdi area.

Mr. Azevedo stated there has been no decision from the Court on this issue.

2. Washoe County and SVGID appeal to District Court in dispute resolution case DR03-001-RPGB, regarding cooperative planning criteria, including:
 - a. Amendments to cooperative planning criteria;
 - b. Amendments to settlement agreement regarding expedited dispute resolution.

Mr. Azevedo stated that he has received a draft stipulation from Washoe County which will remove this body from litigation as well as the City of Reno. Once the City of Reno has gone through its process in approving the stipulation, it will be before the RPGB for consideration.

3. Washoe County's petition for judicial review of the certification of Reno's annexation program as conforming with the Regional Plan.

Mr. Azevedo stated that after the settlement conference on December 3, Judge Hardesty requested that the City of Reno and Washoe County go back to their governing bodies to see if they wish to participate in an expanded settlement conference. This settlement process will go beyond process planning. The City of Sparks was offered the opportunity to observe or participate. Mr. Azevedo stated that his impression is that whatever comes from this process will be binding upon each of the three respective jurisdictions if it goes forward.

4. Washoe County's appeal of the Regional Planning Commission's determination of conformance with the provisions of the Regional Plan and the settlement agreement in District Court Case No. CV02-03469 for City of Reno zoning map amendments and Mortensen/Garson Development Standards Handbook (CR04-007).

Mr. Azevedo stated that Washoe County's opening brief contains some extremely complicated and specific arguments regarding the RPGB's and the RPC's failure to address with respect to three particular water and traffic issues. Mr. Azevedo stated that his brief is due on December 15 and this case is set for oral argument before Judge Hardesty on December 21.

5. Nevada Supreme Court Order requiring either the filing of an updated status report describing the settlement of the underlying litigation or requesting an oral argument before the Nevada Supreme Court (Supreme Court Case No. 37947, Bushey/Busi).

Mr. Azevedo stated that there is a status report to the Supreme Court included in the meeting packet. The status report basically says that we are not able to reach complete settlement or resolution of this matter. The Court has not yet responded to the status report.

Member Galloway referred to Mr. Azevedo's report on agenda item 7.B.3 and stated that he understood that the Judge suggested an expanded mediated discussion. Member Galloway stated that the Court confirmed that the Judge was not intending to expand the jurisdiction of the Court into areas other than the annexation plan. What the Judge was willing to facilitate or mediate was basically an airing of any other matters whether they are partially or heavily related in a non-binding manner. The Judge made it clear that even if agreement was not reached on anything, it would still be useful to the Court and to the parties involved to know where everybody was on all these issues. Member Galloway stated that when he agreed to take it to his board it was on the non-binding assumption and that it would not expand the Court's jurisdiction.

Member Hascheff stated that he understood that when the Judge expanded the scope he said whatever you want to put on the table we will talk about and see if we can get it resolved with the understanding that if the parties could not come to an agreement, it was over and there would be no binding nature.

Chair Carrigan stated that he understood it to be non-binding as long as it had to do with issues outside the scope of the settlement. Chair Carrigan stated that he also understood that everybody has to show up. If one person from Reno or Sparks does not attend, that entity would just be observing and not participating.

Member Galloway stated that the Judge said if he could not get a commitment that all or virtually all of the people would be there at every meeting, the Judge might withdraw his offer to mediate.

Member Hascheff asked Chair Carrigan how he is taking this back to his City Council. Chair Carrigan responded that he understood it to be that Sparks could either do nothing, be observers, or participate.

C. Legislative reports

1. Report on selected Bill Draft Requests (BDRs) for 2005 session of Nevada's legislature.

Ms. Coombes stated that Regional Planning staff is continuing to update the BDR list.

Chair Carrigan stated that BDR 137 was withdrawn and BDR 483 is in limbo unless another legislator wants to pick it up.

2. Discussion and possible action regarding formation of a legislative committee of the RPGB for the 2005 session of Nevada's legislature.

Ms. Coombes asked if the RPGB is ready to go forward with an action on this item.

Member Weber stated that there will be a new Board of County Commissioners starting in January and asked to postpone action on this item. Chair Carrigan stated that there is not a problem with postponing this until January.

MEMBER WEBER MADE A MOTION TO CONTINUE THIS ITEM UNTIL THE NEXT RPGB MEETING, SECONDED BY MEMBER MARTINI. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBER PRESENT.

8. REQUESTS FOR FUTURE AGENDA ITEMS

- A. Consideration of, and possible action on, calendar of agenda items.

Mr. Ziegler reviewed possible agenda items for the January and February RPGB meetings.

MEMBER WEBER MADE A MOTION TO ACCEPT THE STAFF REPORT ON FUTURE AGENDA ITEMS, SECONDED BY MEMBER AIAZZI. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

- B. Members' and director's requests for agenda items.

Member Hascheff asked Mr. Ziegler what the timeline is for the infill development criteria. Mr. Ziegler responded that it would be about 90 days.

9. WRITTEN CORRESPONDENCE

None

10. ADJOURNMENT

MEMBER AIAZZI MADE A MOTION TO ADJOURN AT 3:24 P.M., SECONDED BY MEMBER DORTCH. THE MOTION CARRIED UNANIMOUSLY WITH NINE (9) MEMBERS PRESENT.

Respectfully submitted by Christine Birmingham.

David S. Ziegler, Director
Truckee Meadows Regional Planning Agency

Mike Carrigan, Chair
Regional Planning Governing Board

APPROVED BY THE REGIONAL PLANNING GOVERNING BOARD IN SESSION ON
_____, 2005