



MINUTES

Regular Meeting

Reno City Council

Wednesday, March 13, 2024 • 10:00 AM

Reno City Council Chamber, 1 East First Street, Reno, NV 89501

Hillary Schieve, Mayor

Council Members:

Ward 1 - Jenny Brekhus Ward 4 - Meghan Ebert
Ward 2 - Naomi Duerr Ward 5 - Kathleen Taylor
Ward 3 - Miguel Martinez At Large - Devon Reese

A Introductory Items

A.1 Pledge of Allegiance

Council Member Ebert led the Pledge of Allegiance.

A.2 Roll Call

Members Present

Mayor Hillary Schieve, Councilmember Devon Reese, Councilmember Naomi Duerr, Councilmember Jenny Brekhus, Councilmember Kathleen Taylor, Councilmember Miguel Martinez, Councilmember Meghan Ebert

Council Member Brekhus and Mayor Schieve absent at roll call.

A.3 Public Comment

A.3.1 Public Comment

Live Public Comment:

Mark Markel

Terry Brooks

Bill Miller

Sharon Chamberlain

For the record we received 21 comments which were general in nature or not directly associated with an agenda item prior to 4:00 p.m. on March 12, 2024. These comments were voicemail and/or written correspondence received via our Reno.gov online public comment form or by email to our office. Copies

of these comments have been distributed to the Reno City Council and are available to the public on the Reno.gov meeting portal.

1 in favor, 3 in opposition, 17 concerned from the following individual(s):

Sally Tate
Ryan Henderson
George Zaikowski
Abigail Kirst
Ralph Whitten
Brian Erbis
Debra Whitlock-Lax, Bethel AME Church
Art Sai
Darius Fiore
Abigail Kirst
Jessica Capdeville
Kristine Maupin
Cindi Chandler
Jessica Maddox
Joshua Mittendorf
Anonymous
Victor Goble
Vicky Carson
Anonymous
Gerry Mifsud
Anonymous

A.4 Approval of the Agenda (For Possible Action) – 13 March 2024

It was moved by Devon Reese, seconded by Miguel Martinez, to approve.

RESULT:	Pass [5 TO 0]
MOVER:	Devon Reese, Councilmember
SECONDER:	Miguel Martinez, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

A.5 Approval of the Minutes

A.5.1 Reno City Council - Regular - 14 February 2024 10:00 AM (For Possible Action)

It was moved by Devon Reese, seconded by Miguel Martinez, to accept.

RESULT:	Pass [5 TO 0]
MOVER:	Devon Reese, Councilmember
SECONDER:	Miguel Martinez, Councilmember

AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

B Consent Agenda (All consent items may be approved together with a single motion, be taken out of order, and/or be heard and discussed individually.)

- B.1** Staff Report (For Possible Action): Approval of Privileged Business License – Alcohol Catering (New) – Peachy Queens Traveling Tavern, Hannah Fisk, 5303 Louie Lane, Suite 4. [Ward 2]

It was moved by Devon Reese, seconded by Miguel Martinez, to approve.

RESULT:	Pass [5 TO 0]
MOVER:	Devon Reese, Councilmember
SECONDER:	Miguel Martinez, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

- B.2** Staff Report (For Possible Action): Approval of Privileged Business License – Dining Room Alcohol (New) – Maharaja Royal Bites, Sohan Singh, 1601 South Virginia Street. [Ward 1]

It was moved by Devon Reese, seconded by Miguel Martinez, to approve.

RESULT:	Pass [5 TO 0]
MOVER:	Devon Reese, Councilmember
SECONDER:	Miguel Martinez, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

- B.3** Staff Report (For Possible Action): Approval of Privileged Business License – Dining Room Wine and Beer (New) – Pinches Tacos, Carolina Hernandez, 2900 Clear Acre Lane, Suite P. [Ward 4]

It was moved by Devon Reese, seconded by Miguel Martinez, to approve.

RESULT:	Pass [5 TO 0]
MOVER:	Devon Reese, Councilmember
SECONDER:	Miguel Martinez, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

- B.4** Staff Report (For Possible Action): Approval of Privileged Business License – Package Alcohol (New) – El Super, Carlos Smith, 1901 Silverada Boulevard. [Ward 3]

It was moved by Devon Reese, seconded by Miguel Martinez, to approve.

RESULT:	Pass [5 TO 0]
MOVER:	Devon Reese, Councilmember
SECONDER:	Miguel Martinez, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

- B.5** ***SUPPLEMENTAL SUPPORTING MATERIALS*** - Staff Report (For Possible Action): Approval of Consultant Agreement with Consor North America, Inc. for engineering support and construction administration and inspection services for the 2024 Sewer Cured In Place Pipe (CIPP) Rehabilitation Project in an amount not to exceed \$276,528. (Sewer Fund) [Ward 2, 3, 4]

It was moved by Devon Reese, seconded by Miguel Martinez, to approve.

RESULT:	Pass [5 TO 0]
MOVER:	Devon Reese, Councilmember
SECONDER:	Miguel Martinez, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

- B.6** ***SUPPLEMENTAL SUPPORTING MATERIALS*** - Staff Report (For Possible Action): Award of Contract to M4 Engineering, LLC for the 2024 Cross Connection Project in the amount of \$1,269,213.08. (Sewer Fund) [Ward 3, 5]

Item pulled by Vice Mayor Duerr for discussion.

Council Member Duerr pulled this item because it is for over a million dollars and she wants people to know what they are spending money on.

Jonathan Smith, City of Reno Public Works Senior Civil Engineer, gave the staff presentation.

Vice Mayor Duerr asked if storm water runoff is pre-treated before going to the river.

Kerri Koski, City of Reno Director of Public Works, explained that pre-treatment happens with the sewer, not with the storm drain.

Vice Mayor Duerr asked how the MS4 Permit requirements are met if that water isn't treated.

Trina Magoon, City of Reno Director of Utility Services, explained that in addition to the occasional stormceptor unit on some of the storm drains at particular outfalls, there are also sumps in the catchbasins. Maintenance and Operations comes out and vacuums those. A stormceptor unit not only picks up twigs and weeds, it also picks up the first flush with petrochemicals and other things on the roadway system. Steamboat Creek drains naturally into the river and is one of our most polluted water bodies. It does not have a requirement in the MS4 Permit at this point. She confirmed for Vice Mayor Duerr that the point of this agenda item is to reduce peak flows going to the sewer plant during storm events.

It was moved by Devon Reese, seconded by Kathleen Taylor, to approve.

RESULT:	Pass [5 TO 0]
MOVER:	Devon Reese, Councilmember
SECONDER:	Kathleen Taylor, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

- B.7** ***SUPPLEMENTAL SUPPORTING MATERIALS*** - Staff Report (For Possible Action): Approval of an interlocal agreement with the Truckee Meadows Water Authority (TMWA) for wastewater sampling and testing at the Reno-Stead Water Reclamation Facility (RSWRF), as part of the Enhanced Source Control Program (ESCP) required for the OneWater Nevada Advanced Purified Water Facility (APWF) Project at American Flat in the sum of \$400,000 with the City of Reno's share not to exceed \$200,000. (Sewer Fund) [Ward 4]

It was moved by Devon Reese, seconded by Miguel Martinez, to approve.

RESULT:	Pass [5 TO 0]
MOVER:	Devon Reese, Councilmember
SECONDER:	Miguel Martinez, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

- B.8** Staff Report (For Possible Action): Acceptance of a gym equipment donation from the Reno Fire Fighters Association (Local 731) to the Reno Fire Department (RFD) for use by on-duty fire personnel at an estimated value of \$6,500.

It was moved by Devon Reese, seconded by Miguel Martinez, to approve.

RESULT:	Pass [5 TO 0]
MOVER:	Devon Reese, Councilmember
SECONDER:	Miguel Martinez, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

Consent Agenda Items B.1 through B.8 were approved with Item B.6 pulled for discussion.

C Public Hearings - 10:00 AM (Items scheduled to be heard at a specific time will be heard no earlier than the stated time, but may be heard later.)

- C.1 Staff Report (For Possible Action): Case No. LDC24-00020 (Mill and Greg Street Master Plan and Zoning Map Amendment) A request has been made for 1) a Master Plan amendment from ±6.88 acres of Urban Mixed-Use (UMU) to Suburban Mixed-Use (SMU), and 2) a zoning map amendment from ±6.88 acres of Mixed-Use Urban (MU) to General Commercial (GC). The ±6.88-acre site encompasses five parcels located on the northwest corner of Mill Street and Greg Street. [Ward 3]

It was moved by Kathleen Taylor, seconded by Meghan Ebert, to continue to a date uncertain.

RESULT:	Fail [2 TO 3]
MOVER:	Kathleen Taylor, Councilmember
SECONDER:	Meghan Ebert, Councilmember
AYES:	Taylor, Ebert
NAYS:	Devon Reese, Naomi Duerr, Miguel Martinez
ABSENT:	Hillary Schieve, Jenny Brekhus

AGENDA ITEMS C.1, C.2, AND C.3 WERE OPENED AND HEARD TOGETHER.

Vice Mayor Duerr opened the public hearing and asked if any correspondence was received.

City Clerk Huntsman stated no correspondence was received.

A request for continuance not to a date certain was received from the applicant prior to 5:00 p.m. on March 12, 2024.

Live Public Comment:

Andrew Diss urged City Council not to grant the requested continuance.

Jasmine Mehta, City of Reno Deputy City Attorney, explained Reno Municipal Code (RMC) allows the applicant to request a postponement any time up to 5:00 p.m. before the day of the hearing. It then provides that in all other cases the

public hearing shall be opened and affirmative action by the body needs to be had in order to postpone the item. In this case the applicant met the requirement for the request to postpone. Another section of the same Code says that it cannot be postponed by the applicant more than twice or the application becomes invalid. Because this was noticed for a date certain, our recommendation is that it be opened for public comment to be heard and then Council can vote on the request to postpone.

Council Member Reese asked what would happen to this application if Council does not move to postpone.

Ms. Mehta stated if no one moves for that, it would just automatically be postponed by the Code. She answered questions regarding the process for this application if it is postponed. If substantial amendments are made to the application, it would go through the Planning Commission review process again.

Council Member Reese stated he will not make a motion for postponement because he does not think it is appropriate. He would rather have heard it on the merits today. He asked for confirmation that by not taking action, it will be postponed.

Ms. Mehta confirmed that is her understanding of the Code.

Discussion on the motion:

Council Member Taylor stated she does not see the harm in giving the applicant more time based on the request. They met the requirements to request a continuance and it is good policy to grant it.

Council Member Ebert agreed with Council Member Taylor that if it is allowed, Council should allow it.

Council Member Martinez stated he is leaning toward hearing the item today. All the resources were put into place getting to this point of a public hearing.

City Manager Doug Thornley asked Legal Counsel for confirmation that by making the request, the item is functionally already postponed.

Ms. Mehta confirmed that is correct. Holding the hearing today is not an option.

Council Member Martinez stated what he is reading says the public hearing shall be open and affirmative action by the body is required to postpone a decision. He thought Council had the ability to either hear it or postpone it.

City Manager Thornley explained that statement is a catch all for if an applicant misses the deadline to request a continuance.

Council Member Reese stated he does not want to talk about the underlying

requirements of the request. He wants the public to understand that sometimes in government the procedural minutia swamps substantive issues. He will not support the motion for continuance because it is not functionally necessary.

Carter Williams, City of Reno Development Services Associate Planner, explained there is a 90 day time frame the applicant has to bring this back to Council to be heard or it is automatically invalidated.

Motion failed. The application is on pause and must be reactivated in 90 days to be scheduled for a timely hearing with City Council.

- C.2 Staff Report (For Possible Action): Case No. LDC24-00020 (Mill and Greg Street Master Plan and Zoning Map Amendment) Resolution to adopt an amendment to the land use plan of the City of Reno Master Plan from ±6.88 acres of Urban Mixed-Use (UMU) to Suburban Mixed-Use (SMU). The ±6.88-acre site encompasses five parcels located on the northwest corner of Mill Street and Greg Street and is further described in planning Case No. LDC24-00020. The adoption is contingent on the conformance review by the Truckee Meadows Regional Planning Commission. [Ward 3]

It was moved by Kathleen Taylor, seconded by Meghan Ebert, to continue to a date uncertain.

RESULT:	Fail [2 TO 3]
MOVER:	Kathleen Taylor, Councilmember
SECONDER:	Meghan Ebert, Councilmember
AYES:	Taylor, Ebert
NAYS:	Devon Reese, Naomi Duerr, Miguel Martinez
ABSENT:	Hillary Schieve, Jenny Brekhus

AGENDA ITEMS C.1, C.2, AND C.3 WERE OPENED AND HEARD TOGETHER.

- C.3 Staff Report (For Possible Action): Ordinance Introduction – Bill No. _____ Case No. LDC24-00020 (Mill and Greg Street Master Plan and Zoning Map Amendment) Ordinance to amend Title 18, Chapter 18.02 of the Reno Municipal Code, entitled “Zoning,” rezoning a ±6.88-acre site located on the northwest corner of Mill Street and Greg Street from Mixed-Use Urban (MU) to General Commercial (GC); together with matters which pertain to or are necessarily connected therewith. [Ward 3]

It was moved by Kathleen Taylor, seconded by Meghan Ebert, to continue to a date uncertain.

RESULT:	Fail [2 TO 3]
MOVER:	Kathleen Taylor, Councilmember
SECONDER:	Meghan Ebert, Councilmember
AYES:	Taylor, Ebert
NAYS:	Devon Reese, Naomi Duerr, Miguel Martinez
ABSENT:	Hillary Schieve, Jenny Brekhuis

AGENDA ITEMS C.1, C.2, AND C.3 WERE OPENED AND HEARD TOGETHER.

- C.4 ***SUPPLEMENTAL SUPPORTING MATERIALS -*** Staff Report (For Possible Action): Ordinance Introduction – Bill No. _____ Case No. LDC24-00039 (Casa del Rey Historic Resource Designation) Ordinance to amend Title 18, Chapter 18.02 of the Reno Municipal Code, entitled “Zoning,” rezoning a ±0.12-acre site from Single-Family Residential 8 units per acre (SF-8) to ±0.12 acres of SF-8 with the Historic Landmark (HL) overlay zoning district. The subject property is located at 990 Joaquin Miller Drive in the Newlands Historic District and has a Master Plan land use designation of Single-Family Neighborhood (SF). [Ward 1]

Vice Mayor Duerr opened the public hearing and asked if proper notice was given and any correspondence received.

City Clerk Huntsman stated proper notice was given and correspondence was received.

For the record we received 1 comment which was directly associated with the agenda item prior to 4:00 p.m. on March 12, 2024. The comment was voicemails and/or written correspondence received via our Reno.gov online public comment form or by email to our office. Copies of the comment have been distributed to the Reno City Council and are available to the public on the Reno.gov meeting portal.

1 in favor, 0 in opposition, 0 concerned from the following individual(s):
Tim Gilbert

Megan Berner, City of Reno Arts and Culture Manager, answered questions and explained the reason there have been more of these local designations recently.

Bill No. 7261 was referred for a second reading and adoption.

It was moved by Devon Reese, seconded by Naomi Duerr, to refer Bill No. 7261 for a second reading and adoption.

RESULT:	Pass [5 TO 0]
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MOVER:	Devon Reese, Councilmember
SECONDER:	Naomi Duerr, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

C.5 ***SUPPLEMENTAL SUPPORTING MATERIALS -*** Staff Report (For Possible Action): Ordinance Introduction – Bill No. _____ Case No. LDC24-00040 (Garat/Humphrey House Historic Resource Designation) Ordinance to amend Title 18, Chapter 18.02 of the Reno Municipal Code, entitled “Zoning,” rezoning a ±0.11-acre site from Multi-Family Residential 14 units per acre (MF-14) to ±0.11 acres of MF-14 with the Historic Landmark (HL) overlay zoning district. The subject property is located at 655 South Arlington Avenue in the Newlands Historic District and has a Master Plan land use designation of Mixed Neighborhood (MX). [Ward 1]

Vice Mayor Duerr opened the public hearing and asked if proper notice was given and any correspondence received.

City Clerk Huntsman stated proper notice was given and correspondence was received.

For the record we received 1 comment which was directly associated with the agenda item prior to 4:00 p.m. on March 12, 2024. The comment was voicemails and/or written correspondence received via our Reno.gov online public comment form or by email to our office. Copies of the comment have been distributed to the Reno City Council and are available to the public on the Reno.gov meeting portal.

1 in favor, 0 in opposition, 0 concerned from the following individual(s):
Tim Gilbert

Bill No. 7262 was referred for a second reading and adoption.

It was moved by Devon Reese, seconded by Naomi Duerr, to refer Bill No. 7262 for second reading and adoption.

RESULT:	Pass [5 TO 0]
MOVER:	Devon Reese, Councilmember
SECONDER:	Naomi Duerr, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

D Department Items

Finance

- D.1 ***SUPPLEMENTAL SUPPORTING MATERIALS -*** Staff Report (For Possible Action): Resolution concerning the financing of sewerage projects for the City of Reno; directing the City Clerk to notify the Washoe County Debt Management Commission (DMC) of the City's proposal to issue General Obligation Sewer Bonds additionally secured by pledged revenues with a maximum principal amount not to exceed \$70,000,000; providing certain details in connection therewith; and providing the effective date thereof. (Sewer Fund)

For the record we received 1 comment which was directly associated with the agenda item prior to 4:00 p.m. on March 12, 2024. The comment was voicemails and/or written correspondence received via our Reno.gov online public comment form or by email to our office. Copies of the comment have been distributed to the Reno City Council and are available to the public on the Reno.gov meeting portal.

0 in favor, 0 in opposition, 1 concerned from the following individual(s):
Scott Sady

Vicki Van Buren, City of Reno Director of Finance, gave the staff presentation and answered questions regarding the financing request.

Joe Coudriet, City of Reno Utility Services Senior Civil Engineer, answered questions regarding the projects.

Trina Magoon, City of Reno Director of Utility Services, answered questions regarding the projects.

Resolution No. 9261 was passed and adopted.

It was moved by Devon Reese, seconded by Kathleen Taylor, to adopt Resolution No. 9261.

RESULT:	Pass [5 TO 0]
MOVER:	Devon Reese, Councilmember
SECONDER:	Kathleen Taylor, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

Public Works

- D.2 ***SUPPLEMENTAL SUPPORTING MATERIALS -*** Staff Report

(For Possible Action): Presentation, discussion, and direction to staff for the approval of the Regional Transportation Commission (RTC) Fiscal Year (FY) 2025 Interlocal Cooperative Agreement authorizing the RTC Program of Projects within the City of Reno.

THIS ITEM WAS HEARD AFTER AGENDA ITEM H.1.

RECONVENE AT 11:51 AM WITH MAYOR SCHIEVE PRESENT REMOTELY

Live Public Comment:
Tom Albright
Dora Martinez (Via Zoom)

For the record we received 1 comment which was directly associated with the agenda item prior to 4:00 p.m. on March 12, 2024. The comment was voicemails and/or written correspondence received via our Reno.gov online public comment form or by email to our office. Copies of the comment have been distributed to the Reno City Council and are available to the public on the Reno.gov meeting portal.

0 in favor, 0 in opposition, 1 concerned from the following individual(s):
Michael Gawthrop-Hutchins

Khalil Wilson, City of Reno Assistant Director of Public Works, gave the staff presentation and answered questions from Council regarding project prioritization.

MAYOR SCHIEVE PRESENT IN CHAMBERS AT 12:10 PM

Dale Keller, Regional Transportation Commission (RTC) Director of Engineering, answered questions from Council regarding the construction schedule, micro-mobility, bike lanes, lighting, and public engagement.

RECESS AT 12:30 PM UNTIL THE 6:00 PM PUBLIC HEARING

It was moved by Hillary Schieve, seconded by Devon Reese, to approve.

RESULT:	Pass [6 TO 0]
MOVER:	Hillary Schieve, Mayor
SECONDER:	Devon Reese, Councilmember
AYES:	Schieve, Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Jenny Brekhus

City Manager's Office

- D.3 ***SUPPLEMENTAL SUPPORTING MATERIALS -*** Staff Report (For Possible Action): Presentation, discussion, and possible action regarding the 24-01 Take-Home Vehicles Audit Report.

THIS ITEM WAS HEARD AFTER ITEM D.1.

Emily Kidd, City of Reno Internal Auditor, gave a presentation on the Take-Home Vehicles Audit and answered questions from Council.

COUNCIL MEMBER TAYLOR ABSENT AT 11:31 AM

Reno PD Assistant Chief Miller answered questions from Vice Mayor Duerr regarding employee vehicle use.

COUNCIL MEMBER TAYLOR PRESENT AT 11:37 PM

Assistant Chief Miller confirmed for Vice Mayor Duerr they are working through all the recommendations of the Center for Public Safety Management (CPSM) Audit.

City Manager Doug Thornley explained for Vice Mayor Duerr that the most pointed space they are working on is the Police Department and they will work on the audit findings for other departments after that.

It was moved by Miguel Martinez, seconded by Devon Reese, to accept.

RESULT:	Pass [5 TO 0]
MOVER:	Miguel Martinez, Councilmember
SECONDER:	Devon Reese, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhuis

E Ordinances - Introduction (Other Ordinance, Introduction items may be found under the following agenda sections: Public Hearings, and/or Standard Department Items.)

F Ordinances - Adoption

G City Clerk

- G.1 Staff Report (For Possible Action): Discussion and potential appointment of up to three individuals to the Ward 2 Neighborhood Advisory Board

(NAB) and/or two alternates from the following pool of applicants, listed in alphabetical order: Stan Dowdy, Audrey Keller, and David Titzel. [Ward 2]

Continued to March 27, 2024.

- G.2 Staff Report (For Possible Action): Discussion and potential reappointment or appointment of up to three individuals to the Historical Resources Commission as a Licensed Structural Engineer, Registered State Architect, and Member - At Large from the following pool of applicants, listed in alphabetical order: Cathie Bryant, Debra Campbell (Licensed Structural Engineer Reappointment), Jeri Chadwell, Gregory Erny (Registered State Architect Reappointment), Philip Galbraith, Barb Giacomini, or Allyn Jones.

It was moved by Naomi Duerr, seconded by Devon Reese, to reappoint Debra Campbell (Licensed Structural Engineer Reappointment) and Gregory Erny (Registered State Architect Reappointment), and appoint Cathie Bryant.

RESULT:	Pass [5 TO 0]
MOVER:	Naomi Duerr, Councilmember
SECONDER:	Devon Reese, Councilmember
AYES:	Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Hillary Schieve, Jenny Brekhus

THIS ITEM WAS REOPENED AFTER AGENDA ITEM J.1.

The staff report stated up to three individuals could be appointed but there are only two openings.

It was moved by Naomi Duerr, seconded by Devon Reese, to reconsider appointments.

RESULT:	Pass [6 TO 0]
MOVER:	Naomi Duerr, Councilmember
SECONDER:	Devon Reese, Councilmember
AYES:	Schieve, Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Jenny Brekhus

It was moved by Naomi Duerr, seconded by Devon Reese, to reappoint Debra Campbell (Licensed Structural Engineer Reappointment) and Gregory Erny (Registered State Architect Reappointment).

RESULT:	Pass [6 TO 0]
MOVER:	Naomi Duerr, Councilmember

SECONDER:	Devon Reese, Councilmember
AYES:	Schieve, Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Jenny Brekhus

H Mayor and Council

- H.1 City Council Comments, including announcements regarding City boards and commissions, activities of local charitable organizations and upcoming local community events. (Non-Action Item)

Council Member Ebert reported on the first senior cooking class held at the Elks Club on February 29.

Council Member Martinez discussed the impacts of what is happening with the processing center on Vassar Street and the need for advocacy work.

RECESS AT 11:45 AM

I Public Hearings - 6:00 PM (Items scheduled to be heard at a specific time will be heard no earlier than the stated time, but may be heard later.)

- I.1 ***SUPPLEMENTAL SUPPORTING MATERIALS*** - Staff Report (For Possible Action): Appeal of the Hearing Officer's decision to uphold the approval of building permits (BLD23-03075 and BLD23-05279) issued for a fence and retaining wall proposed on the southern property line of a parcel located at the northeast corner of the intersection of Outlook Drive and Belford Road, approximately ±260 feet north of Dolan Way (2600 Outlook Drive). The site has a zoning designation of Single Family – 3 units per acre (SF-3) and a Master Plan land use designation of Single-Family Neighborhood (SF). The appeal was filed by Michael Powell. Council may affirm, reverse, or modify the decision of the Hearing Officer. [Ward 1]

THIS ITEM WAS HEARD AFTER AGENDA ITEM D.2.

RECONVENE AT 6:02 PM WITH MAYOR SCHIEVE ABSENT AND COUNCIL MEMBERS BREKHUS AND REESE PRESENT VIA ZOOM

Vice Mayor Duerr opened the public hearing and asked if proper notice was given and any correspondence received.

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

MAYOR SCHIEVE PRESENT AT 6:05 PM VIA ZOOM

Council Member Brekhus made the following disclosure:

This is in Ward 1 and prior to the filing of this appeal Mr. Powell reached out to me like any other constituent with an issue. I told him that I don't have side ex-party conversations. It was not an appeal pending before us but we did have a conversation. I will also disclose that today, March 13, I did make a site visit up to the property and viewed the disputed property line boundary proposed for the fence and the retaining wall from the street.

Live Public Comment:

Carol Reno

Brandon Freeman

Mike Railey, City of Reno Development Services Planning Manager, gave the staff presentation and answered questions from Council.

Mr. Railey reviewed information from the presentation in response to Council questions further explaining the City responses to the appellant claims.

Mr. Railey answered questions from Council regarding details of the permits and when they were issued.

Chris Pingree, City of Reno Director of Development Services, answered questions from Council regarding the timing of the issuance of the permits and the appeal process for building permits.

Michael Powell, appellant, presented the appeal.

Council Member Brekhus noted that no backup information for the fence permit was provided and she asked Mr. Powell about some of that information that he included in his presentation. She also noted that there were no findings of fact provided by the Hearing Officer and asked Mr. Powell for his interpretation of why she issued it.

Mr. Powell answered questions from Council Member Brekhus and stated that the grading permit should have come before the fence permit. He also responded to the question regarding the Hearing Officer's decision. His impression was that the initial appeal hearings were just a roadblock before he got to see Council. The decision was preordained. The Hearing Officer asked very few questions and took at face value everything that Development Services and the Building Department said, even when they said things that were not true, like that the Ditch Company signed the plans. That was never true. The Hearing Officer did not follow up on that and she discounted all of his evidence.

Council Member Duerr asked the applicant what the need is for such a tall fence.

Tony Reno stated it is due to issues with light coming from the neighbor's property, as well as for privacy.

Mr. Railey confirmed for Mayor Schieve that the proposed fence height conforms with Code.

COUNCIL MEMBER MARTINEZ ABSENT AT 7:20 PM

Mr. Pingree answered questions from Council Member Brekhus regarding the retaining wall.

Council Member Brekhus stated they are allowing the rockery wall to count as added fence height.

Mr. Pingree stated that is not correct. They are going to raise the elevation of the Reno property to match the retaining wall height, which the plans show will be a solid concrete retaining wall.

Council Member Brekhus stated that Mr. Reno said he wants privacy on this property so in a way he is doing a lot of engineering to get that, but when you look at the flow down through the east property, he's shooting the water out on their side.

Council Member Duerr discussed the need to try and be good neighbors. She asked Mr. Reno if there is any willingness to lower the height of the fence.

Mr. Reno stated they have discussed that and there have been issues and it would be better to stay with what they have planned.

Council Member Brekhus and Mr. Railey discussed the sections of Code that have been referenced related to grading and residential adjacency standards.

Mr. Railey stated the appellant is pulling from a section of Code about fill slopes and that refers back to the Residential Adjacency section of Code. The applicability section of that Residential Adjacency Code says it applies to all nonresidential development built on or within 150 feet of any residential property. The application is from a residential property so it is not applicable. When it says all use types, it is referring to all nonresidential use types.

Council Member Brekhus stated she does not think that's right. The Residential Adjacency section is being referred to from something outside of that and it is a fair reading the appellant is offering.

Council Member Brekhus clarified for Vice Mayor Duerr that the issue is you cannot grade the five foot setback. They can still have a fence but it can't be on

top of a retaining wall or rockery wall within that five feet. She also stated that five feet is a pretty standard access route around a property.

COUNCIL MEMBER MARTINEZ PRESENT AT 7:33 PM

Council Member Brekhus stated the following findings of fact: 1) the Hearing Officer was arbitrary and capricious in holding up these two building permits without issuing findings of fact; 2) the Hearing Officer was in error in allowing mid-stream an appeal of one building permit to be co-joined by a subsequent issuance and appeal of a second building permit, she should have ruled on the existing appeal as a stand alone matter; 3) the Residential Adjacency standard related to fill within five feet of a property line is applicable in this instance, therefore the permit is in error in allowing fill within five feet of the property line; 4) the designated flow path of the site improvement permit at the east end is in violation of Public Works Design Manual paragraph 202.2.2.2 in that it will direct water across the appellant's property.

Discussion on the motion to uphold the appeal:

Mayor Schieve asked to hear from legal counsel regarding property rights.

Jasmine Mehta, City of Reno Deputy City Attorney, stated that this is an older neighborhood that does not have CC&Rs in place that could have prevented the proposed type of fence. This is not a discretionary permit. Staff looks to see if the rules have been adhered to and if they are then they have to issue the permit.

Mr. Railey confirmed for Vice Mayor Duerr that they have found no evidence of CC&Rs.

Motion failed and a new motion was made.

Discussion on the motion to affirm the denial of the appeal:

Council Member Brekhus stated she is looking for some findings of fact.

Council Member Taylor stated everything she needs to make her decision was in the staff report and it was based on what she heard from both sides and the legal team and the planning team.

Vice Mayor Duerr commented under Agenda Item J.1 regarding why she did not support either motion.

It was moved by Jenny Brekhus, seconded by Meghan Ebert, to uphold the appeal, based on the four findings of fact stated on the record.

RESULT:	Fail [2 TO 5]
MOVER:	Jenny Brekhus, Councilmember
SECONDER:	Meghan Ebert, Councilmember

AYES:	Brekhus, Ebert
NAYS:	Hillary Schieve, Devon Reese, Naomi Duerr, Kathleen Taylor, Miguel Martinez
ABSENT:	

It was moved by Kathleen Taylor, seconded by Hillary Schieve, to affirm the denial of the appeal by the Hearing Officer based on the rules of Code and were adhered to by our planning team and the Hearing Officer.

RESULT:	Pass [4 TO 3]
MOVER:	Kathleen Taylor, Councilmember
SECONDER:	Hillary Schieve, Mayor
AYES:	Schieve, Reese, Taylor, Martinez
NAYS:	Naomi Duerr, Jenny Brekhus, Meghan Ebert
ABSENT:	

J Public Comment (This item is for either public comment on any action item or for any general public comment.)

J.1 Public Comment

For the record we received 1 comment which was general in nature or not directly associated with an agenda item after 4:00 p.m. on March 12, 2024. The comment was voicemails and/or written correspondence received via our Reno.gov online public comment form or by email to our office. Copies of the comment have been distributed to the Reno City Council and are available to the public on the Reno.gov meeting portal.

0 in favor, 0 in opposition, 1 concerned from the following individual(s):
Roberta Decker

COUNCIL MEMBER BREKHUS ABSENT AT 7:40 PM

Regarding Agenda Item I.1, Vice Mayor Duerr stated she did not support the motion and that she wanted something in between. Council Member Brekhus' motion went too far and pure approval is not where she is so she did not support either motion.

A MOTION WAS MADE AT THIS TIME TO REOPEN AGENDA ITEM G.2.

K Adjournment (For Possible Action)

It was moved by Devon Reese, seconded by Meghan Ebert, to adjourn at 7:43 p.m.

RESULT:	Pass [6 TO 0]
MOVER:	Devon Reese, Councilmember
SECONDER:	Meghan Ebert, Councilmember

AYES:	Schieve, Reese, Duerr, Taylor, Martinez, Ebert
NAYS:	
ABSENT:	Jenny Brekhus