REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Biaggi called the meeting to order at 9:30 a.m.

Members Present: Ms. Aldean, Mr. Biaggi, Ms. Bresnick, Mr. Galloway, Mr. Krantz, Mr. Merrill, Ms. Motamedi, Mr. Ruthe, Ms. Santiago, Mr. Smith, Mr. Swobe, Mr. Waldie and Mr. Weber.

Note: Mr. Galloway arrived at 9:40 a.m. Mr. Kranz arrived at 10:10 a.m.

Members Absent: Mr. Heller and Mr. Yount.

Chairman Biaggi noted that item XIII-B., the Proposed Financing Plan for the Purchase of the TRPA's Office Building was a time certain item for 1:00 p.m and that comments on Item XIII-A, Mr. Galloway’s request that the Governing Board reconsider their previous denial of the amendment to the Stateline/Ski Run Community Plan be heard following Public Interest Comments on the Agenda.

III. PUBLIC INTEREST COMMENTS

Mr. Michael Donahoe, Sierra Club, clarified the Sierra Club’s position with regard to building affordable housing units on the parcel of land on Burks Creek. The Sierra Club is not against affordable housing per se, but rather in concurrence with the testimony of eminent scientists and the Attorney General of the State of California in 1999, is against development of any kind to this sensitive undisturbed land. Mr. Donahoe stated that reconsideration of the Governing Board’s previous denial of the amendment to the Stateline/Ski Run Community Plan links to the credibility of the Board and the Tahoe Basin, and citing a statement in the Tahoe Daily Tribune that the Board’s actions may be misconstrued by the public.

Mrs. Katherine Edwards, a Nevada lakefront homeowner, encouraged the TRPA Board not to be pressured by special interest groups and/or wealthy individuals with regard to the Shorezone Plan and the clarity of the lake. The Lake is a national treasure and belongs to all U.S. citizens. Ms. Edwards reiterated that not all lakefront homeowners were in agreement with a statement that “all lakefront owners on littoral lots were entitled to a private dock and pier” and suggested that the matter be put on the ballot for constituents. Citing the EPA’s research, in closing, Mrs. Edwards asked the Board to push back the Shorezone Plan for further scientific validation.

Mr. Jack Warner, second homeowner of Lakefront property 48 and 48-A, voiced his concerns regarding his family’s continued use of his pier and buoys if he was not able to
obtain a permit from TRPA and stated that the piers and buoys were grandfathered on his property.

Mr. Paul Owhadi, general partner of Lake Vista I and Lake Vista II, refuted previous statements to the contrary that the Lake Vista housing projects were not low-income properties. He stated that the properties’ use was restricted by various governmental regulations and that they could not and would not be converted to market rate under any circumstances. He also noted that specific tax credits were tied to the use of the properties.

Ms. Gail Jacquish, co-founder of the Jaquish & Kenninger Foundation and currently involved in Pathways 2007 as a representative from Douglas County, gave a presentation and overview of Sierra Colina Village, EIP Project #161 including essential components including proposed land use and public benefits. Ms. Jacquish stated that the project was currently in the process of LEED Certification in order to provide a smaller ecological footprint. LEED certification is the recognized standard for measuring building sustainability and is used to promote design and construction practices that increase profitability while reducing the negative environmental impacts of buildings and improving occupant health and well-being. A full Environmental Impact Statement will be submitted to the Board as the project progresses.

Mr. John Friederich, League to Save Lake Tahoe spoke briefly regarding the Van Sickle District 6a reconsideration issue. He stated that a vote for reconsideration was premature. However, he noted that future amendments to the Community Plan should include: Socio-economic versus environmental effects of an amendment, choices for affordable housing, clarification of affordable housing criteria for the Tahoe Basin, and how the amendment affects future affordable housing sites.

Chairman Allen Biaggi welcomed Senator Mark Amodei, Chairman of The Legislative Committee for Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, to the meeting.

IV. APPROVAL OF AGENDA

Executive Director, John Singlaub noted that item X.A was continued to the October 2006 regular meeting at the request of the applicant. Staff General Counsel, Joanne Marchetta noted that item XII.D. was removed from the agenda at the recommendation of the Legal Committee. Board Member, Jim Galloway noted that Item XIII.A was brought before the Board for reconsideration to give all California members the opportunity to vote on the issue and suggested staff reconfirm the attendance of Board Member Bruce Krantz’s attendance so that Chairman Biaggi could adjust the agenda accordingly. Mr. Galloway made a motion to approve the agenda as amended. The motion carried.

V. APPROVAL OF MINUTES

Mr. Waldie made a motion to approve the minutes of the August 23, 2006 Regular TRPA Governing Board Meeting. The motion carried.
VI. CONSENT CALENDAR

The following consent items were acted upon:


2. Resolution to Amend TRPA Retirement Plan to Include a Roth 401 (k) Option and to Transfer Responsibility for Distribution Fee to Former Employees – Approved unanimously.

3. Barton Memorial Hospital, Public Service Building Replacement and Addition, City of South Lake Tahoe, CA, APN 023-081-03, TRPA File # 20060941 – Approved unanimously.


6. Resolution of Enforcement Action, Unauthorized Material Approval Damage to Trees, Richard and Geraldine Simkalo, 3190 & 3200 Edgewater, Placer County, California, APNs 093-072-009 & 093-072-042 – Unanimous with an amendment to remove the designation of $5,000 of the fine ($15,000) to the Environmental Education Fund.

7. Resolution of Enforcement Action, Unauthorized Material Damage to Trees, Dr. Cam and Charlene Lindberg, 315 Uplands Way, El Dorado County, California, APN 032-364-04. This item was amended to remove the designation of any part of the fine to the Environmental Education Fund – Approved as amended with the abstention of Board Member Jerome Waldie.

Ms. Motamedi clarified that the Legal Committee chose not to designate part of the fine to the Environmental Education Fund, because some constituents had been receiving a tax benefit for a charitable contribution for that portion of their payment of the fine.

The consent calendar was approved as amended.

VII. GOVERNING BOARD MEMBER REPORTS

Mr. Swobe specifically requested that: (1) the Shorezone Plan be released and distributed as soon as possible; (2) the final hearing and vote on the Shorezone Ordinance be held during the Summer when constituents most affected by the ordinance are present and (3) the Shorezone Committee be reinstituted to debate and hold
hearings on the Shorezone matter until the vote is taken. Grandfathering of buoys is an essential component of the plan with respect to private property owners’ rights and does not add additional buoys to the lake.

Mr. Merrill agreed with Mr. Swobe that the latest iteration of the Shorezone Plan be released as soon as possible. He did not feel however, that further public input was necessary. The TRPA has been operating for twenty years under a flawed, irrational, unsafe ordinance in place with no enforcement procedures for illegal, unpermitted buoys, unsafe dumping practices by boats, as well as poorly tuned boats which cause environmental harm to the lake. The ordinance also contains an irrational policy on building piers. An effective Shorezone policy is necessary to prevent further environmental damage to the Lake.

Mr. Galloway is taking a first step to reducing vehicle miles traveled in the Region. Beginning November 5, 2006 he will be working with Placer County and the RTC of Washoe County and the Visitors Convention Bureau. Washoe County is funding a pilot program for one year to run a shuttle service from Washoe County area to the Reno/Tahoe Airport with a fare of $30.00. Mr. Galloway voiced his support for a viable Shorezone ordinance in front of the Board for action. He recalled that there is a Grandfather clause of one buoy per parcel, and Washoe County will allow one pier per two parcels and community piers if all other requirements are met. It is time to move forward.

Ms. Aldean announced that the groundbreaking has begun in Carson City on a wood-fired power plant that will provide enough heat and electricity to eliminate three-quarters of Northern Nevada Correctional Center’s utility bills. She publicly acknowledged Carson City Renewable Resources for its support.

Ms. Santiago reported that South Lake Tahoe High School was also preparing for its biomass burner as well. Place-based planning process has been unifying, progressive and one of the best movements in the basin. Socio-economic indicators should be considered when implementing or amending community plans. Responsibility of the Board to its diverse group of constituents lies in the implementation phase of various projects. Ms. Santiago encouraged the Board to consider its constituents’ input when considering proposed projects as they relate to the place-based process and not make premature decisions to amend community plans without considering the implications on long-range planning efforts in the community. More communication needs to occur between the place-based planning groups and the forum.

Mr. Krantz has been meeting with the Fire-Safe Council to continue efforts to remove biomass. He recently visited Washington, D.C. and met with Deputy Secretary of State Scarlett regarding biomass and discussed additional funding for catastrophic wildfire, how we can burn without restrictions of rules and regulations. He is working with the Federal woody biomass group, using the Tahoe Basin as the crown jewel. He also met with the California State Energy Department and the Resources Agency Secretary regarding funding for biomass efforts. Mr. Krantz hopes that the County supervisors can visit Washington, D.C. legislators as a group to help “Keep Tahoe Blue”.
Ms. Motamedi requested that TRPA staff investigate the possibility of incorporating provisions similar to the Lahontan Regional Water Quality Control Board’s cost recovery regulations into TRPA’s codes and regulations as they relate to TRPA’s costs. Lahontan has cost recovery criteria which may be applicable to TRPA codes and regulations to offset staff time related to violations. Ms. Motamedi requested that staff bring back specifics of Lahontan’s cost recovery process to the Board for adoption and/or incorporation into TRPA’s codes and regulations.

VIII. REPORTS

A. Executive Director Status Report

Executive Director John Singlaub’s monthly status report included an update of the following items:

- Project Review Applications/Permits – Only 10 over 120 days, overall applications down from last year.
- Forest Fuels – Met with U.S.F.S. to bring that component into the basin-wide plan.
- Interim Allocations – Existing allocation process will be continued with no changes.
- Shorezone Policy – Work continues. The proposed program includes a Grandfathering clause with regard to buoys.
- Mr. Singlaub reported that staff would issue a Notice of Violation, simultaneous with a tree permit (to cut 300 trees) to the City of South Lake Tahoe. Several members voiced their concerns that this action would be taken without their review and approval. Upon further discussion, there was agreement by the Board to continue this discussion in closed session at the conclusion of the regular meeting.

Nevada Senator Mark Amodei, Chairman of The Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, provided an update of the Legislative Oversight Committee’s activities and specific topics of interest including:

- Healthy Forest
- Biomass
- Catastrophic Wildfires

Senator Amodei also expressed his enthusiasm about Pathways 2007 and was encouraged to hear that a socio-economic component was being incorporated into the process. In order to provide a constructive method of communication to the Governing Board on a regular basis, Senator Amodei also offered to provide the Board with interim updates, as well as regular updates while the Committee was in session. He also stated that the Committee is planning a staff level meeting to review protocol for meeting on a regular basis to support the Lake Tahoe Basin. Board member, Steven Merrill asked if there were an exception to the Public Meeting Rules, that would allow the Governing Board to conduct the Executive
Director’s review privately, rather than in a public meeting, which discourages frank constructive criticism of the Executive Director. Senator Amodei will have Legislative Counsel investigate.

B. Legal Division Status Report.
Agency Counsel, Joanne Marchetta, provided the Board with an update on litigation in process, proposed settlement negotiations and new litigation initiated against the TRPA.

IX. RESOLUTIONS

Adoption of Resolution to Commend United States Senators John Ensign and Harry Reid
Board member Coe Swobe and Chairman Biaggi moved to adopt the resolution subject to replacement of the language in item #5 to:

“...SUPPORTS THE CONGRESSIONAL DELEGATION’S EFFORTS FOR PASSAGE OF FUNDING FOR FOREST FUELS REMOVAL AND BIOMASS UTILIZATION WITHIN THE LAKE TAHOE BASIN.”

Board member Bruce Krantz reiterated his support of the resolution. Mr. Krantz moved for approval of the resolution as amended. The motion carried.

X. PROJECT REVIEW


No discussion or action. At the request of the applicant this item was continued to the October 2006 meeting.

XI. ENFORCEMENT ACTIONS

A. Governing Board action on Legal Committee Recommendation, Show Cause Hearing, Unauthorized Tree Removal, Thomas and Susan Flanigan, 1745 Logan Creek Drive, Glenbrook, Nevada, APN 1418-22-511-008.

The Legal Committee reduced the fee in the aforementioned matter to $5,000 with a repayment plan. Mr. Waldie made a motion for approval. The motion carried.


Jordan Kahn reported that a $325,000 penalty was suggested by the Lahontan Regional Water Quality Control Board (LRWQCB). In order to resolve the matter with the responsible parties and keep environmental funds in the Tahoe Basin, staff at the Lahontan RWQCB proposed the following:
1. Purchase an emergency bypass hose reel system for the North Tahoe Public Utility District (NTPUD) at a cost of $298,160; and
2. Pay $26,840 into the Lahontan Waste Discharge Permit Fund.

The equipment would be owned by NTPUD, but available to all agencies within the Tahoe Region that operate and maintain sewer systems. The Legal Committee and TRPA legal staff recommended endorsement of the aforementioned proposal. Mr. Weber moved for endorsement of the settlement proposal and authorized staff to make public comment at the Lahontan hearing in support of the proposed settlement. The motion carried.

XII. PLANNING MATTERS

A. Scoping for the California State Parks Upper Truckee River Restoration and golf course relocation project
Paul Nielsen solicited comments from the Board and public on the Environmental Impact Statement (EIS) for the aforementioned project. Ken Anderson, California State Parks clarified the vision of the project including: (1) restoration of the Upper Truckee River, (2) continued golfing opportunities and (3) maintaining a revenue stream. Cindy Walken of EDAW presented an overview of the project including purpose, current constraints and disturbances and potential impacts to the environment. There was further comment by the Board regarding current revenue generated by the golf course, use of the golf course, net improvement/benefit to the Tahoe Basin considering rehabilitation of the golf course, inclusion of bike trails and delineation of costs vs. benefits of the project and clarification of the scoping process. During the public comment period, Bob Anderson, Michael Donahoe, Mike Chandler and John Friederich expressed their concerns on the project including: The scoping level of the EIS and Notice of Preparation (NOP), restoration of the entire area, loss of the natural habitat and general dislocation of other recreational activities (hiking, etc.), alternatives to the current plan and extension of the public comment period. Mr. Singlaub stated that he was sensitive to the public and Board members’ concerns and agreed to extend the scoping period for the project to October 20, 2006.

B. Pathway 2007 Update
Carl Hasty, Deputy Executive Director of TRPA updated the Board on current strategies for the Pathways 2007 process.

C. Report on Caltrans EIP Project Delivery Plan and Associated Projects
Tom Brannon, Caltrans, presented Caltrans’ EIP Delivery Plan and Implementation Schedule including an overview of transportation programs and construction projects in the Tahoe Basin. Current challenges are inflation in costs and meeting TRPA threshold requirements. Mr. Weber expressed an interest in the local jurisdictions providing input/coordinating with Caltrans, possibly attending project development meetings. Mr. Brannon will provide a calendar of events to local jurisdictions, at least on a quarterly basis.
No action. Agenda item removed at the request of the Legal Committee.

XIII. ADMINISTRATIVE MATTERS

A. Request by Board Member Jim Galloway to Reconsider the Governing Board’s Denial of the amendment to the Stateline/Ski Run Community Plan, City of South Lake Tahoe, El Dorado County, CA adding Timeshare-Residential Design, Timeshare-Hotel/Motel Design and Hotel, Motel, and Other Transient Dwelling Units as allowable uses for the six-acre Van Sickle District (District 6a) at maximum densities of 15 units/acre.

Mr. Galloway clarified that his request for the Board’s reconsideration of the aforementioned issue was primarily because all Board members were not in attendance for the previous vote. Mr. Singlaub clarified that this was not a project, but rather a community plan amendment and as such, required four positive votes from each state to be approved. After further discussion, Mr. Biaggi called for a vote to reconsider. The motion passed by the following members vote:

Ms. Aldean, Mr. Biaggi, Mr. Galloway, Mr. Krantz, Mr. Merrill, Ms. Motamedi, Mr. Ruthe, Mr. Smith, Mr. Swobe and Mr. Weber. Ms. Bresnick, Ms. Santiago and Mr. Waldie voted against reconsideration.

This matter will be continued to the October 2006 regular Governing Board meeting. Any new information will be presented and discussed at that time.

B. Proposed Financing Plan for Purchase of TRPA’s Office Building.
Representatives from the underwriting firm of Stone & Youngberg and representatives from Orrick, Herrington & Sutcliffe (Bond Counsel) presented specifics on the proposed financing plan for purchase of the Agency’s current office building in Stateline, Nevada. Mr. Waldie suggested that the Legislature from California and Nevada both be contacted before moving forward. Mr. Merrill asked what TRPA’s options are for purchasing the building, if bond financing is not available. Mr. Wells stated that all other options had been explored and this was the most viable, noting that the initial cost to TRPA is limited to the application fee and an appraisal fee. Mr. Galloway reiterated that the appropriate governmental authorities—the Governors and Legislature of both states should be notified. The Board gave staff direction to move forward in pursuit of this financing option.

XIV. COMMITTEE REPORTS

A. Legal Committee
No additional report.

B. Operations Committee
No additional report.
XV. ADJOURNMENT.

The regular meeting was adjourned at 4:45 p.m. to a closed session regarding legal matters. The closed session adjourned at 5:20 p.m.

Respectfully submitted,

Denise Schulz
Clerk to the Board

The above meeting was taped. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.