TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

North Tahoe Conference Center
Kings Beach, California

REGULAR MEETING MINUTES

I. PLEDGE OF ALLEGIANCE

Chairman Wayne Chimarusti called the regular October 26, 1994, meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:35 a.m. and asked Vice Chairman John Upton to lead in the Pledge of Allegiance to the Flag.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLancy, Mr. Kanoff, Mr. Uhler, Ms. Baldrica (for Mr. Westergard), Mr. Cole, Ms. Neft, Mr. Cronk, Ms. Lau, Mr. Bradhurst, Mr. Upton, Mr. Waldie, Ms. Hagedorn, Ms. Bennett, Mr. Chimarusti

Member Absent: Presidential Appointee (position vacant)

III. PUBLIC INTEREST COMMENTS

Mr. Steve Teashara, on behalf of the Tahoe-Truckee Regional Economic Coalition, thanked the Board and staff for TRPA’s participation in and strong support for the recent natural resources management workshop for the President’s Council on Sustainable Development.

IV. APPROVAL OF MINUTES

MOTION by Mr. Upton to approve the September 28, 1994, regular meeting minutes as submitted. The motion carried unanimously.

V. APPROVAL OF AGENDA

The following was noted: 1) time certain for presentation of building and erosion control awards at 11:30 a.m.; 2) continuation of consent calendar item 6 (Lands of Sierra, land capability challenge, El Dorado County APN 32-313-41); 3) amendment of Rules of Procedure (item VIII.C.) to be taken up after the Rules Committee noon meeting; and 4) continuation to November of the Legal Committee consideration of settlement of Peterson et al. v. TRPA (item XII.B.2.).

MOTION by Ms. Bennett to approve the agenda as discussed. The motion carried unanimously.

VI. CONSENT CALENDAR

MOTION by Mr. Upton to approve the consent calendar as proposed (with continuance of item 6). The motion carried unanimously.
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(Following are items approved on the consent calendar: 1. Forbes, Special Use Determination, Subdivision of Existing Development (2 Units), Washoe County 132-020-02; 2. McLean, Special Use Determination, Subdivision of Existing Development (2 Units), 819 Alder Avenue, Washoe County APN 132-020-01; 3. Wayne Peterson, Special Use Determination, Subdivision of Existing Development (2 Units), Washoe County APN 124-041-16; 4. Thomas and Donna Haughian, Special Use Determination, Subdivision of Existing Development (2 Units), Washoe County APN 132-212-01; 5. Thomas and Donna Haughian, Special Use Determination, Subdivision of Existing Development (2 Units), Washoe County APN 132-212-07; 7. Swanson, Additional Height, Ham Radio Tower, 941 Jennifer Street, Washoe County APN 125-373-20; 8. Navellier, Resolution of Enforcement, Douglas County APN 03-192-19; 9. Douglas Northpoint, Inc., Bank of Lake Tahoe, Commercial Floor Area Addition/Change in Operation, 938 Tahoe Boulevard, Incline Village, Washoe County APN 132-012-01)

VII. PROJECT REVIEW

A. Carolyn Jackson, Pier Reconstruction/Expansion, Resolution of Enforcement Action, 8365 Masks Bay Avenue, El Dorado County APN 16-081-36

Associate Environmental Specialist Jon Paul Kiel presented the summary of the proposed reconstruction/expansion and resolution of enforcement and staff's recommendation for approval of findings and the project with conditions. The pier's length would be increased by 1 foot, for a total length of 29 feet beyond the high water line. Mr. Kiel addressed scenic quality, navigation and safety, fish habitat, violation status, and mitigation. The applicant was required to remit a penalty of $1,115 to TRPA for commencement of construction prior to TRPA approval. While staff often did condition project approvals on certain exterior standards (color), there were no ordinance provisions which would prevent repainting of a structure at a future time.

Agency Legal Counsel R. J. Nicolle explained that a deed restriction was often the method used by TRPA to enforce its permit conditions. Another option would be to adopt a code amendment requiring TRPA approval to change a structure's color.

Mr. Waldie asked Agency Counsel to come up with a recommendation to the Legal Committee and to the Board on how to make conditions on permits enforceable in the future - such as the ability to restrict lots in terms of building piers. If a deed restriction was the easiest way and the only way, then the Board should take that approach.

Mr. DeLanoy asked if the $1,115 was a fine or a penalty.

Mr. Kiel responded that the applicant had paid an application fee; the $1,115 was a fine to be paid in addition to the application fee.

Ms. Hagedorn asked if the project would improve environmental quality and what access between high and low water line was provided.

Mr. Kiel explained that shorezone provisions allowed expansion of existing
structures where all thresholds were maintained and at least one threshold was improved. In this case, scenic quality would be improved. The area in Rubicon Bay was a difficult one for public access, and the condition of public access would be unchanged by the Board's action.

No one from the audience spoke in favor or in opposition to the proposal.

**MOTION** by Mr. Upton to make the findings for approval of the Jackson pier. The motion carried unanimously.

**MOTION** by Mr. Upton to approve the project as proposed. The motion carried unanimously.

**XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION**

A. Finance Committee

3. Receipt of FY 1993-94 TRPA Audit

Mr. Randy Kuckenmeister, from the auditing/accounting firm of Kafoury Armstrong, highlighted the TRPA audit for fiscal year 1993-94 (ending June 30, 1994) and noted the audit was unqualified; there were no exceptions in the report. TRPA's ending general fund balance as of June 30 did increase to $197,991 v. $133,672 last year, a $64,000 increase. TRPA was also subject to a single audit under federal guidelines because it received more than $25,000 in federal source grant monies during the past year. These audits were all clean as well. Mr. Kuckenmeister noted that his firm had issued a letter to management some time back at the end of completed field work noting that his firm was before the Board significantly earlier than in past years. Finance Director Jim Dana and Financial Assistant Peggy Gill were to be complimented for having the records in such good shape, for implementing the new accounting system, and for clearing up prior management letter comments.

Chairman Chimaruati complimented Jim and Peggy for their work in preparing TRPA's financial records.

**MOTION** by Ms. Bennett to approve the Finance Committee's recommendation to receive the 1993-94 TRPA audit. The motion carried unanimously.

4. Receipt of FY 1993-94 State Transportation Assistance Fund Audit for El Dorado County

**MOTION** by Ms. Bennett to approve the Finance Committee's recommendation to accept the '93-94 STA audit for El Dorado County. The motion carried unanimously.

5. Receipt of FY 1993-94 Local Transportation Fund Audits for El Dorado and Placer Counties

**MOTION** by Ms. Bennett to approve the Finance Committee's recommendation to accept the FY 93-94 LTF audits for El Dorado and Placer Counties. The motion carried unanimously.
I. Receipt of September Financial Statement and Check Register

MOTION by Ms. Bennett to receive the statement and check register as recommended by the Committee. The motion carried unanimously.

VII. PROJECT REVIEW - (continued)

B. Sierra Boat Company, Harbor Entrance Realignment, 5146 North Lake Boulevard, Placer County APN 115-030-50

Associate Planner Jim Lawrence presented the summary of the proposal to widen the harbor entrance to provide better boat access during low water conditions and to alleviate the need for frequent maintenance dredging. Mr. Lawrence distributed photographs of simulations showing the project upon its completion and addressed recommended mitigation to improve scenic quality.

Mr. Herb Hall, for Sierra Boat Company, explained that the existing cribbing was built in 1948; one of the project's goals was to make entry safer. The project would also avert the frequency of maintenance dredging. The last complete dredging of the marina was done in 1991, and the harbor entrance filled in within a year, causing the loss of two outer slips from use. The structure design would prevent this from happening in the future.

MOTION by Ms. Neft to approve the findings for approval of the Sierra Boat Company project. The motion carried unanimously.

MOTION by Ms. Neft to approve the project as proposed. The motion carried unanimously.

VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS

A. Application by Tahoe Redevelopment Agency, Park Avenue Development Project, Amendment of the Regional Plan Land Capability Overlay Map Pursuant to Man-Modified Determination for El Dorado County APNs 29-440-04, 29-400-14, 29-200-12, 29-200-22, 29-200-23

Senior Planner Joe Pepi presented the summary of the proposed Regional Plan amendment which would change land capability from a level IB to level 5 on portions of the subject parcel. The Advisory Planning Commission (APC) reviewed the application and unanimously recommended the amendment. Mr. Pepi presented more background on the application and noted that the required findings could be made. One condition of the amendment required that, prior to acknowledgement of the permit for a new project on the parcel which relied on the increase in allowable coverage, the applicant would restore 92,680 square feet of stream environment zone. While staff initially was trying to find sites for restoration within the Community Plan area, other areas were being looked at that would be practical to do and meet the criteria. Staff would be working with the applicant to find an acceptable site.

Deputy Director Jerry Wells explained that the condition required funding of the restoration project, in addition to TRPA plan approval. The funding would likely place some restrictions on the timing of the project.
Mr. Waldie asked that the ordinance findings include the conditions of approval on the change from class 18 lands to class 5 lands.

Ms. Rochelle Nelson, for the League to Save Lake Tahoe, expressed strong support for the redevelopment of the Park Avenue area and noted that the League did not oppose the matter before the Board. This was the third chunk of the Park Avenue project which had been considered at separate times, the other two being code amendments to permit basement excavation and increased height. The project was, in essence, being pieced together without the total environmental impact of the project being considered. While she felt the ultimate project would be a good one, the approach was not a good one. The League would like to see TRPA require the proponent to come in with the environmental impact document on the whole project, pursuant to the redevelopment provisions of the Code.

Mr. Wells responded that staff required that land capability be verified before a project could proceed; this action was not out of context. The basement and height modifications affected not only the Park Avenue area but also areas across the street, not a part of this project. While individual parts of the proposal were brought to the Board on individual applications, he did not see that the ultimate environmental document would be jeopardized. The EIS would look at all impacts and would be brought in one piece to the Board.

Mr. Upton explained that without the Code amendments approved to date the project proponent would not have been able to develop the plan or project as desired. These other questions needed to be answered prior to designing the buildings and making a determination on allowed coverage.

Ms. Bennett asked if the SEZ restoration site would be identified prior to completion of the new project.

Mr. Wells explained that prior to acknowledge of the permit the restoration site would be identified. The Board may or may not be aware of the restoration site at the time it reviewed the project.

Ms. Bennett asked that the Board know what the restoration site would be and what restoration was planned prior to any project approval.

Mr. Law Feldman, for the project proponent, explained that while certain project-related issues had come to the Board previously the project could not proceed without certain steps occurring. This would be the last Board action on components of the project prior to a project application. He did not have a problem with amending the ordinance to include the conditions of approval and identifying the restoration project as a condition of approval. The man-modified process had taken a year and a half.

Since no one else wished to speak, Chairman Chimarusti closed the hearing.

MOTION by Mr. Upton to approve the finding of no significant effect and the Chapter 6 and 20 findings for man-modification of a portion of the Park Avenue redevelopment area. The motion carried unanimously.
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In line with the Board's discussion, Agency Special Projects Attorney Susan Scholley suggested that the ordinance findings listed on page 2 of the ordinance be amended to incorporate the two conditions of approval on the change in land capability from class 1B to class 5 in the findings section of the ordinance. The date in Section 2.00 of the ordinance should also be changed to coincide with the date on the ordinance exhibit (October 18, 1994, not September 26, 1994). Condition 2 in the land capability change would read, in part, "Prior to the approval acknowledgement-of-a-permit for a new project on this parcel..., the owner shall restore 92,580 square feet... of stream environment zone...A funded and TRPA approved plan for the restoration of the SEZ area shall be completed by the applicant prior to the approval of a project acknowledgement-of-any-permits..."

MOTION by Ms. Hagedorn to adopt Ordinance No. 94-23 as amended.

Mr. Chimarusti read the ordinance by title:

An Ordinance Amending Ordinance No. 87-9, as Amended, of the Tahoe Regional Planning Agency Relating to the Regional Plan, Amending the Land Capability Overlay Map H-17 (in the Vicinity of Park Avenue in the City of South Lake Tahoe); Making Findings Relating to Man-Modification; and Providing for Other Matters Properly Related Thereto.

The motion carried unanimously.

VIII. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS

B. Lowering of the Individual Parcel Evaluation System (IPES) Line in Washoe and Douglas Counties

Agency Special Projects Attorney Susan Scholley noted that the focus was on the Nevada counties only, because the California jurisdictions still had not reached the percentage mark which would enable the required findings to be made. The APC withheld a recommendation on Douglas County due to the need for additional information in two areas. She was requesting action on Washoe County only today. Ms. Scholley summarized the status of the five required findings pertaining to Washoe County, as set forth in the packet memo. Upon Board approval, the new IPES line in Washoe County would be 672. A parcel would need a score of 672 or higher to be eligible to build. A property owner had the ability to buy up points equal to 10% of the new line, or 67 points. Because of the California State Water Board's conditional certification of the 208 plan, there would be a 90-day waiting period for implementation of the new line. The lowering of the line in Washoe County would be effective, barring unforeseen circumstances, on January 25, 1995. Because Washoe County had the same random selection method for distribution of allocations as it had last year, there would be no limit on the number of allocations to go to parcels below the initial line and above the new line. The IPES system had been found to be consistent with and part of the Regional Plan and therefore the attainment and maintenance of thresholds. This action would make 45 more parcels in Washoe County eligible to compete for the same number of residential building allocations. The 45 would not include the parcels whose
scores were 67 points below the line which, potentially, could buy up points to be eligible. The number of parcels which could compete would change; the number of allocations available would not change. There were enough safeguards built into the plan that the Board could feel comfortable with lowering the line.

Chairman Chimarusti commented on the status of SEZ restoration and the need for much more emphasis in this area. The statistics indicated that not a lot of progress was being made, and it was something that really needed more focus if TRPA was to get to the hefty target it had set.

Mr. Cole noted that Douglas County had completed all its priority 1 and 2 water quality capital improvement projects (CIP) and questioned whether Washoe County's projects were beyond that point as well.

Ms. Scholley explained that the Washoe County projects were priority 1 and 2 as listed in the 208 plan. The finding was keyed off of completing projects within a specific time period. Although Douglas County last year didn't have the projects to fit into the time frame, it had completed all the priority 1 and 2 projects and were into priority 3 projects. The County was faced with potentially being penalized for speeding up implementation of improvement projects. Last year the finding for Douglas County recognized the fact that the County was ahead of schedule. This could potentially happen again this year. The projects listed for Douglas County were actually NDOT projects, so there was a potential issue here.

Mr. Cole suggested that Douglas County should be given credit for projects it had done on an accelerated basis and should not be penalized because there were no other projects that qualified.

Ms. Scholley concurred and explained that the additional information requested by the APC related to capital improvement projects and assurance of 1995 project funding, since Burton-Santini funds were not available. Also, staff wanted to determine whether one of the projects which was to have been done to meet the compliance finding was being held up because of litigation involving Glenbrook Company. If this could be confirmed, it may be the basis for disregarding that particular project's noncompliance.

Since no one else wished to comment, Chairman Chimarusti closed the hearing.

MOTION by Ms. Lau to adopt Resolution No. 94-18 lowering the numerical level defining the top ranked parcels in Washoe County, including the findings. The motion carried unanimously.

Chairman Chimarusti recessed the TRPA Board meeting and convened the Regional Transportation Planning Agency.
IX. MEETING OF THE REGIONAL TRANSPORTATION PLANNING AGENCY (RTPA)

A. Resolution Allocating FY 1994-95 Local Transportation Funds ($363,744) to the City of South Lake Tahoe for STAGE Operations

Associate Planner Bridget Mahern presented the staff summary and noted that El Dorado County had submitted its funding claim this summer.

Finance Committee Chairman Bennett advised that the Committee had recommended approval.

MOTION by Mr. Cole to adopt RTPA Resolution No. 94-15. The motion carried unanimously.

B. Resolution Allocating FY 1994-95 Transportation Development Act (TDA) Funds ($41,191) to TRPA for Administration and Planning

Ms. Mahern presented the staff summary of the resolution which would allow TRPA to take 2% from the Local Transportation Funds for administrative purposes and 3% for planning purposes. The allocation was taken from both El Dorado and Placer County apportionments. Although Placer County had not submitted its formal claim to the Agency, staff had received its final numbers.

MOTION by Ms. Bennett to adopt RTPA Resolution No. 94-16. The motion carried unanimously.

C. Amendment of TRPA’s FY 1994-95 Overall Work Program (OWP)

Ms. Mahern presented a summary of the proposed amendments to the OWP. With regard to the question whether there was funding for TRPA from ISTEA, Ms. Mahern explained that TRPA, as the RTPA, had access to apply for certain funding through ISTEA, but these were not elements which usually were addressed in the work program. TRPA did not receive any funds for actual planning purposes. Most of the ISTEA funds were available for projects, and TRPA worked on allocating money towards those projects.

Ms. Hagedorn suggested that there were some pieces of ISTEA being used for planning and education projects, and she would like to look at whether TRPA could pursue these. The distribution system for the funds was highly politicized, and she felt TRPA should be more aggressive in seeking the funding.

Ms. Rochelle Mason, for the League to Save Lake Tahoe, supported the item but suggested that TRPA as the RTPA needed to focus on the 15% decrease in STAGE ridership in the last year. One problem was an unreadable map and schedule. TRPA should meet with the public transportation system providers to look at the effectiveness of their programs and the reasons for the decline.

Ms. Mahern explained that TRPA received a grant to do a transit marketing plan, and this plan would look, in part, at all the marketing materials and schedules. Part of the grant included development of these materials for
STAGE, TART, and the Bus Plus system.

Mr. Upton asked if there was a change in the formula for allocating TDA funding from the state. The amount coming, for example, to the Bus Plus system in 1990 was $180,000. It had decreased to $140,000. He did not think the local sales tax revenue was off sufficiently to account for the decrease in ridership.

Ms. Mahern responded she knew of no changes in the method for distribution. The formulas had not changed and were a question of sales tax distributed on a population basis.

Mr. Upton asked staff to look into this for future planning and funding purposes.

MOTION by Ms. Lau to adopt Resolution No. 94-17 amending the FY 1994-95 Caltrane/TRPA overall work program. The motion carried unanimously.

Chairman Chinarusti adjourned the RTPA and reconvened the TRPA.

X. ADMINISTRATIVE MATTERS

A. Resolution Creating the Shorezone Policy Committee and Appointing the Membership

Chairman Chinarusti advised that he had discussed the committee membership with Mr. Cole, Mr. Waldie, Mr. Bradhurst, and Mr. Westergard; all had agreed to serve.

MOTION by Ms. Hagedorn to adopt Resolution No. 94-19 setting forth membership and responsibilities of the shorezone policy committee as presented. The motion carried unanimously.

B. Quarterly Status Report on Work Program Priority Milestones

Referencing the packet memo, Deputy Director Jerry Wells presented a status report on priority milestones in the strategic plan for the first quarter of FY 94-95. These included an update on funding requests, facilitation of rehabilitation programs in North and South Shores, achievement of physical improvements in the built and natural environments, and development of programs in response to the Nevada Legislative Committee recommendations.

The Board took no action.

D. Discussion Relative to Selection of New TRPA Chairman

Chairman Chinarusti noted that the selection of the new TRPA Chairman would be scheduled for the December 21 meeting.
XI. PLANNING MATTERS

B. Status Report on Revegetation Headstart Program

Revegetation Specialist Larry Benoit, on contract to the Long Range Planning Division, distributed the draft report to the Board on the Revegetation Headstart Program, which focused primarily on revegetation in the highway rights-of-way. The report was prepared through the efforts of the Tahoe Basin Revegetation Group, a partnership of all affected jurisdictions in the Basin, including the highway departments. This group had for the last two years been working to identify and analyze revegetation sites. The group was made up primarily of erosion control experts from the various entities, and the plan was done through an EPA water quality planning grant and the Water Resources Control Board. Mr. Benoit showed slides of sites inventoried around the Basin and described future revegetation plans. Mr. Benoit responded to questions regarding salt tolerance, fill slopes, soil loss, and plans for Highway 28 improvements.

A. Building and Erosion Control Awards presentation

Ms. Pam Drum, TRPA’s Environmental Education Coordinator, presented the 1994 building and erosion control awards and provided each project proponent with a framed certificate and photograph. Ms. Drum explained that these projects had gone the extra mile and were demonstrations of quality projects completed in the last year. The panel of judges for the residential projects included Mike Thomas, a planning consultant and former TRPA Senior Planner; John Fellows, a landscape designer from the Meyers area; Larry Lohman, with the El Dorado County Building Department; Laura Hello, a landscape designer out of Truckee and the North Shore; and Rod Robinson, a landscape architect with Nel’s Garden Supply. The erosion control judges included Craig Morgan, a civil engineer; John Short, a Lahontan Regional Water Quality Control Board engineer; Chris Knopp, a hydrologist with the U.S. Forest Service; Joe Ruman, an engineer with Douglas County; and Steve Goldman, a project manager with the Conservancy.

Following are the recipients of the 1994 awards:

**Erosion Control Project:**
Highway 28, Beaver Street to No. Stateline
Proponent: California Depart. of Trans.
Proj. Engineer: Rick Guevel
New Single Family Dwelling:
Owner: Gilbert and Ellen Magnani
295 Meadow, Placer County
Engineer: K. B. Foster
Architect: Thomas E. Taylor
Construction: Tom T. Wilson

**Residential Modification:**
Owner: Richard and Rhoda Goldman
Douglas County
Architect: Robert Swatt
Contractor: Paul Franklin
Landscaping: High Altitude Landscape

**Commercial Modification:**
Edgewood Clubhouse
Owner: Park Cattle Company
Engineer: Resource Concepts
Architect: David B. Mourning
Q & D Construction

**Commercial Project:**
Layton Building
Owner: Betty Layton
Consulting Engineer: Gary Davis
Internat’l. Homes of Cedar, Inc.
Faberwest Construction

**Restoration Project:**
Burke Creek Stream Restoration
U.S. Forest Service/Douglas Co.
JWA Consulting Engineers
H.M. Byers Construction
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At the conclusion of the presentation, Chairman Chimarusti on behalf of the Board thanked all the owners, the engineers, architects, landscape architects, and contractors who performed their various professional services on the projects. They were setting a standard of quality and excellence for others in the Basin to follow. It was a pleasure to be able to give the awards. Mr. Chimarusti thanked Pam Drum for her work on the awards program.

The meeting recessed for a lunch break from 11:50 a.m. to 12:10 p.m. The Rules Committee met during the lunch recess.

Mr. Cronk was absent for the afternoon session. The following members were present: Lau, Uhler, Bradhurst, Naft, DeLancy, Waldie, Bennett, Hagedorn, Saldrica, Upton, Kanoff, Cole, Chimarusti.

XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee (continued)

6. MOU Between TRPA and Tahoe Transportation District (TTD) Regarding Expenditure of Rental Car Mitigation Funds Collected by TRPA

Ms. Bridget Mahern distributed copies of the staff summary and the proposed MOU for the Board's consideration. (These were inadvertently omitted from the packet.) The MOU would streamline the process for releasing mitigation funds by allowing release of funds at a staff (not a Board) level for projects on a previously approved list. A change to the MOU suggested by Agency Counsel would address an agreement in the airport master plan requiring the TTD to expend 50% of the funds and commit 75% of the funds within five years. Since the date of the Lake Tahoe Airport Master Plan was October 1992, 50% of whatever was collected by October 1997 would need to be spent and 75% needed to be committed. Specific language was as follows: "TTD understands and agrees that, consistent with the Lake Tahoe Airport Master Plan of October 1992, expenditures of the rental car mitigation fund shall meet the 50 and 75 percent benchmark at the five year review and subsequent review thereafter."

MOTION by Ms. Lau to approve the MOU between TRPA and the TTD with the addition as noted. The motion carried unanimously.

7. Status Report on Project Securities

Finance Committee Chairman Kay Bennett noted that the Committee had reviewed the report at its early morning meeting. No Board action was needed.

The Board members briefly discussed the location and status of its investment funds and collateralization. Mr. DeLancy suggested that as a public body TRPA may wish to rotate its funds around, rather than having them all in one bank at one time.

B. Legal Committee

1. Report on Committee Meeting
Mr. Upton reported that the Peterson item was to be continued since there were still outstanding issues. The Navellier matter was recommended for approval and was approved on the consent calendar. The Legal Committee conducted a performance appraisal of Ms. Nicolle and Ms. Scholley, and a discussion on their salaries would be coming back in November.

C. Rules Committee

1. Report on Committee Meeting

Rules Committee Chairman Waldie reported on the discussion concerning amendment of the rules regarding project review, testimony, and the role of official APC members. While all present valued the input of the APC, there were problems with APC and public attendance. The recommendations to address those problems were quite far-reaching and deserved more attention from the community. One not-yet-resolved issue related to what the APC was designed to do in the first instance—whether it was a traditional planning commission with final authority or whether it was a technical advisory committee. The Committee had asked for additional input on this. Secondly, if the Board decided the role should be changed to reflect a more traditional planning commission (similar to local governments), how was this accomplished, given the restraints of the bistate compact. Third, there was concern expressed that the proposed rule change to require a full-scale hearing before the APC would be costly for the applicant. There was a question on the legality of denying a member of the public the opportunity to present testimony if the testimony had not first been presented at the APC. On another topic, it was suggested that the votes of the APC members, as technical experts representing various entities, not be binding on the Agency. In short, there were a lot of questions. These were not simple rule changes but rather had significant impacts on the public and the Board. The Committee also discussed the problems caused because TRPA acted on projects and planning questions before local governments acted. All these issues, including the question on release of personnel information, were continued to November.

Mr. Bradhurst noted that the Rules Committee also discussed a joint meeting between the APC and Governing Board. In August the Rules Committee met with some of the APC members to discuss the APC's role, and there was some feeling that a joint meeting may be beneficial and show support for the APC.

Mr. Chimarusti suggested that, because of the variety of questions, the staff could transmit these questions back to the APC for input and response. Perhaps APC Chairman Joe Thompson could again come to the Board to articulate the APC’s feelings on these matters.

Mr. Waldie suggested that the thrust of Mr. Bradhurst’s comments could be accommodated at the upcoming public hearing, at which time the APC could send a delegation.

In conclusion, Mr. Waldie noted that the Rules Committee had no formal recommendations for Board action.
D. Capital Financing Committee

1. Report on Committee Meeting

Committee Chairman Upton noted that the Capital Financing Committee was scheduled to meet at 4:00 p.m.

Executive Director Jim Baetge reported that last month the Committee ran through what was needed in capital improvements and prioritized 10 to 12 projects. The next step was to see what needed to be done to make the projects happen. Some involved legislative issues. Staff was expecting the Committee today to discuss staff’s approach in this area and on such topics as reauthorizations, the clean water act, the safe drinking water act, and ISTEA. There were many windows of opportunity, but there were so many players going different ways. He would be trying in mid-November to convene a lot of the players who were involved in these matters to look at a coordinated funding search and a common message from all participants. This all would come back to the Finance Committee and Board in November.

XIII. REPORTS

A. Executive Director Report

1. Monthly Status Report

Mr. Baetge reported on the following: 1) the October 27 staff request before the Nevada Board of Examiners for funding based on the recommendation of the Nevada Legislative Committee to Review the TRPA for release of funds; 2) the status of the appointment of Peter Chase Neumann as the 15th Board member; 3) the status of senior transportation planner interviews scheduled for October 28 and the intent not to hire until the outcome of the Nevada funding request was known; 4) the importance for all Board members to attend the November 16 meeting to hear and take part in Carl Hasty’s water quality presentation; 5) the scheduling of the urban boundary issue for Board discussion in November; 5) the scheduled Tahoe Conservancy report in November on the results of the Cold Creek restoration project; and 7) the dates and locations of upcoming Board meetings - November 16 at the City Council Chambers in South Lake Tahoe and December 21 at Horizon Resort in Stateline, Nevada. The Board and staff Christmas party would follow the December meeting.

B. Agency Counsel

1. Monthly Status Report

Ms. R. J. Nicolle advised the Board that she had passed the Nevada Bar and thanked Board members for their notes. She also had been sworn in on October 21 to the United States District Court for the District of Nevada. Her husband was working with Washoe County and no longer commuting to Tahoe from Southern California.

Ms. Nicolle reported on the status of Anderson v. TRPA, noting that there would be no TRPA liability in the case; on Tahoe Keys Property Owners
Association v. TRPA, noting TRPA's dismissal; on Peterson et al. v. TRPA, with ongoing negotiations; on an upcoming status conference in TRPA v. Chase; and on Tahoe Sierra Preservation Council v. TRPA. Ms. Nicolle thanked the Management Support staff for providing clerical assistance for the Advisory Planning Commission meetings, thus freeing up the Legal Executive Assistant to handle the increased in-house legal responsibilities.

Ms. Scholley advised that the two year status review on the airport master plan would be coming up in November. The City was close to having a transport category stage 3 jet service start in December. The two-year review would coincide nicely. On the redevelopment front, KOAR had bought the Ski Run Hotel site out of the bankruptcy court and would be processing a modified timeshare project and amended redevelopment agreement.

C. Governing Board Members

Ms. Bennett reported that the Tahoe Eastern Area Management group (TEAM Tahoe) and all stakeholders would be meeting November 7 to discuss a coordinated master plan for east shore/Highway 28. All Board members were invited.

Ms. Neft advised that on Friday Roger Imsahl was retiring after 30 years of service to Placer County. She asked the Board to prepare a resolution of appreciation thanking Roger for the time and effort he had spent over the years, particularly on transportation issues.

Mr. Uhler noted that on October 6 the Placer County Supervisors approved the funding of traffic control for the winter season at the Tahoe City Y.

Mr. Cole asked about the status of a Tahoe Basin bike trail as referenced by Mr. Baetge in the September Board minutes. He wanted to make sure that this was not lost in the rush of other business.

Mr. Baetge responded that he had drafted a resolution and was sending it to staff members and the Transportation Coalition for review and input. This would likely be coming to the Board in November. The resolutions would be directed at asking both highway departments to have a route prepared around the Lake in the short term using existing facilities as much as possible and having a completed facility by 2000. Both highway departments were assisting with a draft bicycle plan.

X. ADMINISTRATIVE MATTERS (continued)

C. Performance Review of Agency Counsel and Special Projects Attorney

The meeting recessed into closed session for the purpose of conducting a performance review for R. J. Nicolle and Susan Scholley. The Board went back into open session at the end of the closed session; no action was taken.
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XIV. ADJOURNMENT - The meeting adjourned at 2:12 p.m. (A new record! Congratulations, Mr. Chimarusti! You take the prize.)

Respectfully submitted,

[Signature]

Julie D. Frame
Clerk to the Governing Board

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Doria Court, Zephyr Cove, Nevada.

These minutes were approved as presented on November 16, 1994.