

REGULAR CITY COUNCIL MEETING AGENDA
2:00 P.M., Monday, November 28, 2011
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. Call to Order (Time: 2:05:46 p.m.)

The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 2:05 p.m.

2. Roll Call (Time: 2:05:51 p.m.)

Mayor Geno Martini, City Clerk Linda Patterson, Council Members Julia Ratti, Ed Lawson, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Council Member Ron Smith, ABSENT.

Staff Present: Brian Allen, Andy Flock, Chris Cobb, Dave Bruketta, Mark Bowen, Neil Krutz, John Martini, Tracy Domingues, Chris Syverson, Steve Driscoll, Dan Marran, Shirle Eiting, Adam Mayberry, Armando Ornelas, Andy Hummel, Jenny Lewis, Toby Ebens and Donna DiCarlo.

Invocation Speaker: (Time: 2:06:07 p.m.)

The invocation was given by Pastor Shay Hicks from the First Baptist Church of Sparks.

Pledge of Allegiance (Time: 2:07:20 p.m.)

The Pledge of Allegiance was led by Council Member Ed. Lawson.

Comments from the Public (Time: 2:07:47 p.m.)

None.

Approval of the Agenda (Time: 2:07:57 p.m.)

Consideration of taking items out of sequence, deleting items and adding items which require action upon a finding that an emergency exists.

A request was made to continue items 6.5, 6.6, 6.7, 6.8, and 6.9 to the January 9th Meeting to allow staff time to research the budget impact of the employee resolutions.

A motion was made by Council Member Ratti, seconded by Council Member Schmitt, to approve the agenda as amended. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Motion carried.

3. Recommendation to Approve Minutes:

None

4. Announcements, Presentations, Recognition Items and Items of Special Interest:

Mayor Martini noted that this is White Ribbon Campaign Week in recognition of the importance of men working together to prevent violence toward women.

Regular City Council Meeting Minutes for November 28, 2011

5. **Consent Items:** (Time: 2:11:49 p.m.)

Consent Item 5.3 was pulled for discussion and separate vote.

A motion was made by Council Member Carrigan, seconded by Council Member Ratti, to approve Consent Items 5.1, 5.2, and 5.4 through 5.6. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Motion carried.

5.1 Report of Claims and Bills approved for payment and appropriation transfers for the period October 27, 2011 through November 9, 2011

An agenda item from Finance Director Jeff Cronk recommending approval of the Report of Claims and Bills as outlined.

5.2 Consideration and possible approval of a proposal for 2011 Rock Park Monitoring Program with JBR Environmental Consultants, Inc in the amount of \$146,230

An agenda item from Acting Utility Manager Andy Hummel recommending the City Council approve a contract for the Rock Park Monitoring Program. This monitoring is a requirement of the ACOE 404 permit obtained for the Rock Park and Pioneer Diversion projects. The permit mandates annual monitoring over a 5-year period. Based on the requirements of the permit, a Monitoring Plan was prepared and it outlines the necessary monitoring on a year-by-year basis to meet the Permit requirements.

The elements of the Monitoring Plan include fish passage of the constructed structures, aquatic and riparian habitat, structure stability, bedload aggradation, flood flow capacity, benthic macroinvertebrates, bank erosion, and sediment & debris transport through the project site. Cost will vary each year depending on which elements are required for the specified time period.

Unique to this year's budget and scope is purchase and installation of a Pit-Tag Antenna system constructed by the US Fish and Wildlife at a cost of \$47,761.51. This system will allow tracking of tagged fish as they travel through the park, helping to determine if fish passage is possible.

JBR has performed the monitoring for Rock Park and Pioneer previously for the City in a very satisfactory manner, and performs similar work on other projects in the region with an excellent working relationship with the regulatory agencies involved. Funds were budgeted in this year's CIP for this expense.

5.3 Consideration and possible approval of reimbursement to the City of Reno in the amount of \$47,055 for Sparks' share of a bid award to Invensys Operations Management by the City of Reno for the purchase and installation of Distributed Control System Fieldbus Modules and data servers at the Truckee Meadows Water Reclamation Facility (TMWRF) (Time: 2:12:40 p.m.)

An agenda item from Waste Water Systems Management Mark Bowman recommending the City Council approve a reimbursement to the City of Reno for the purchase of computer equipment at TMWRF. This item is for approval for Reno to enter into and administer a contract with Invensys Operations Management for the purchase and installation of Distributed Control System Fieldbus Modules and data server at TMWRF in the amount of \$150,000. Under the cost

Regular City Council Meeting Minutes for November 28, 2011

sharing agreement with Reno for TMWRF operation and maintenance, Sparks will reimburse Reno for 31.37% of the total amount (Sparks' share being \$47,055).

Council Member Schmitt asked if Invensys was a local company and if Reno had already approved this bid. Acting Plant Manager Dave Bruketta stated that the treatment plant has very specific software that operates the treatment facility and is specific to Invensys. The company is headquartered in Plano, Texas. This purchase is mostly hardware, but the hardware is also specific to the software operations at the facility. The City of Reno approved this contract at their November 8th meeting.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve Consent Item 5.3, reimbursement to the City of Reno in the amount of \$47,055 for Sparks' share of a bid award to Invensys Operations Management by the City of Reno for the purchase and installation of Distributed Control System Fieldbus Modules and data servers at the Truckee Meadows Water Reclamation Facility (TMWRF). Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Motion carried.

5.4 Consideration and possible approval of the purchase of two Chevrolet 4X2 Tahoes for the Police Department from Champion Chevrolet in the amount of \$60,418.00

An agenda item from Fleet and Facilities Manager Ron Korman recommending the City Council approve the purchase of two replacement police vehicles utilizing a joinder bid with the State of Nevada. These vehicles have reached the end of their life cycle. These vehicles have had their life cycle extended for an additional year, but now the maintenance costs are exceeding the worth of the vehicles and staff is recommending they be replaced as part of the City's vehicle replacement program. Funds are budgeted in the vehicle replacement fund for this expenditure.

5.5 Consideration and possible acceptance of a Verizon HopeLine grant award in the amount of \$5,000.00 to provide direct services to the victims of domestic violence and child abuse

An agenda item from Police Chief Steve Keefer recommending the City Council accept a Verizon HopeLine grant award. The Verizon Wireless company administers a grant program called "HopeLine" that provides funds to entities who provide services to victims of domestic violence and child abuse. The Sparks Police Department applied for, and was granted \$5,000.00 to assist the Victim Advocate, Jennifer Olsen, to provide emergency assistance to victims of domestic violence and child abuse. The funds will enable the Victim Advocate to provide emergency assistance to dozens of victims in our community. The assistance can include, but is not limited to: food, diapers, emergency housing, gas or other transportation, and necessary medication.

5.6 Consideration and possible approval to reclassify the existing position of Environmental Control Technician to Environmental Control Officer I/II in the Environmental Division of the Community Services Department at the Truckee Meadows Water Reclamation Facility (TMWRF); and make the appropriate personnel reclassification and personnel complement change

An agenda item from Assistant City Manager Steve Driscoll recommending the City Council approve the reclassification of the existing Environmental Control Technician to Environmental Control Officer I/II at TMWRF. As with other city functions, the Environmental Control

Regular City Council Meeting Minutes for November 28, 2011

Division has experienced major personnel changes in the past two years, due to budget cuts. Personnel complement positions were reduced from six to four in fiscal year 2010. Because of the staff cut backs, over these past two years the Environmental Control Technician has been given more responsibilities and duties that are consistent with the Environmental Control Officer I/II position; working out of his current classification. Staff is recommending changing the current personnel complement by reclassifying the current position to better reflect the current responsibilities and duties of the employee.

6. General Business:

6.1 Consideration and possible approval of the Mayor's recommendation for appointment to the Park & Recreation Commission (Time: 2:14:59 p.m.)

City Manager Shaun Carey noted that there were two vacancies on the Parks & Recreation Commission for two year terms that will expire on June 30, 2014. After interviewing the applicants, the Mayor is recommending George Myers and Steven Schiller to these two vacancies.

A motion was made by Council Member Ratti, seconded by Council Member Carrigan, to confirm the Mayor's appointment of George Myers and Steven Schiller to the Sparks Parks and Recreation Commission. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Motion carried.

6.2 Presentation, Discussion, and Possible Direction Regarding Questions on the Funding and Operations of the Washoe County Animal Services Fund in Fiscal Years 2011-2012 and 2012-2013 (Time: 2:16:09 p.m.)

Assistant City Manager Steve Driscoll stated this item is a follow up on a request from Council to discuss some funding issues regarding the animal control services provided by Washoe County. He noted that the staff report provided information on the ballot question [that was approved by the voters for funding animal control services], the Interlocal agreements [between the City of Sparks and Washoe County to provide these services], the agenda item from Washoe County where they discussed changing the funding stream for animal services, and some questions and answers that were provided by the County to the public. Staff gathered questions for Washoe County from the Council and staff and those are provided in the staff report, as well as the response from Washoe County.

Washoe County Manager Katie Simon thanked the Fire Department and the City of Sparks for their assistance with the recent Caughlin fire and said she was available for questions.

Council Member Carrigan stated he was on the Council when the Sparks City Council voted to give up 2 cents to Washoe County to be used for animal control. He said he wanted to know why, if Washoe County was no longer going to use the 2 cents for animal control, why the 2 cents can't go back to Sparks. He said from his perspective, we voted to lower Sparks' property taxes 2 cents so that the County could increase theirs by 2 cents to pay for animal control, so if that funding isn't going to animal control, then it should come back to Sparks because that is what we voted for. Mr. Carrigan said he understood that senior services is hurting and he would not have been adverse to taking a penny of that tax increment and shift it over to senior services, because at least then we would have a choice.

Regular City Council Meeting Minutes for November 28, 2011

Ms. Simon thanked Mr. Carrigan for his concern and said she would report this back to the County Commission, which would not be taking action on this tax shift until the Spring budget hearings. At this point it is just a proposal; however, sometimes things that are allowed are not necessarily what we want to happen. She said according to what they have researched, the Interlocal agreement and the ballot question both allow them to shift the tax from animal control to the general fund. However, whether this is the right thing to do is a policy question for the board. Ms. Simon noted that there have been several voter approved initiatives that have not provided adequate funding over the years and that is one of the reasons why, in several modern instances, ballot questions have been worded on an “up to” basis, so there is flexibility—because sometimes it is too much and sometimes it is too little, based on a changing economy. Ms. Simon stated they have had supplement both the senior services fund and the child protective services fund from the general fund for many years, even though they have both had voter approved ballot questions for funding.

Mr. Carrigan stated that this may be legal to do, but it is not the right thing to do because it is not what we voted for. He said he will be at the budget hearings to express this to the commissioners.

Council Member Schmitt expressed concern regarding how it was determined that this tax shift was legal. Ms. Simon explained that the wording in the ballot questions says, “up to three cents,” and it says, “Nothing in this shall impair the ability of the local governments to change tax rates for other purposes.” She stated it is a technicality, so as it has been done in the past, the tax rate is lowered in one place and increased it in another. She clarified that the ballot question gives the County Commission the right to impose a lower tax rate for regional animal services, which now has a fund balance of \$5.8 million dollars, but only spends \$4.2 million a years. Therefore they have more than enough resources and the County Commission will consider lowering the tax rate temporarily so that some of that fund balance can be used up. The County is then allowed to apply that tax rate elsewhere. Ms. Simon also noted that within the tax rate that is allowed by law (the overlapping rate) State Statutes allow us to increase the tax rate, without a vote of the people, to equal 106% of the revenues from the prior year. Council Member Schmitt stated he felt this was the reason why so many voters automatically vote no to ballot initiatives and these types of actions harm all governments—when we interpret ballot questions differently from what they were intended. He wanted to make sure that the County Commission understood how Sparks felt with regard to the Interlocal agreement and consolidation of services—we felt giving up the two cents and consolidating animal control would be good for the community and now to see that money going somewhere else makes us question the wisdom of consolidation.

Council Member Lawson asked for clarification that the County was simply going to reduce the amount of money going to animal services and reallocate that to the general fund. Ms. Simon stated that was correct—the proposal is to draw down the fund balance for animal control to make up for reduced revenues. She noted that the County Commissioners have adopted a financial sustainability plan and they are trying to reset and resize all of their functions so that they can be sustainable. One of the challenges is that the regional animal services program has not experienced the budget reductions in the past five years that the general fund has taken. Mr. Lawson said that just because it is legal to do something doesn't mean it is right and he felt that this is why people get fed up with government—it is pretty clear that this money was intended for animal control.

Regular City Council Meeting Minutes for November 28, 2011

Council Member Ratti stated she has not heard a lot of grumbling about the reduction in the rate that is going to animal services, primarily because when they hear that it has a 100% reserve, they see that the “up to” language makes sense and reducing some of that fund balance makes sense. What she is hearing the most about is the 10% cut in services. The current level of service seems to be adequate and there are not a lot of complaints because it is functioning well. However, there is concern that a 10% cut will negatively affect service levels. Ms. Simon stated they were able to resize animal control through vacancies, so they haven’t cut existing service levels; however, when you reduce personnel, vehicles, computers, and workstations, the impact on the general fund is also reduced. Ms. Ratti said we need to be honest with the tax payers that while no current employees are losing their jobs, but when job vacancies are not filled, the level of service is reduced. She said the feedback she is getting from the community is that we shouldn’t be funding animal control just to put money in the bank, but we shouldn’t be reducing the level of service because we voted to have a high-functioning, well-qualified animal service program in our community.

Council Member Schmitt asked if there was time to get a question regarding this issue on the ballot for 2012. Ms. Simon said yes, there is. However, she is not sure that a question would be necessary. Mr. Schmitt said it could be make clear to the voters that we don’t need three cents anymore and we would be moving two cents to senior services.

Mayor Martini thanked Ms. Simon for coming to the meeting to answer questions. He said for him it is not what is legal, but what is right. He said he would like to see the excess go to senior services and homeless shelters.

6.3 Consideration and possible approval to proceed with Capital Projects Fund 1404 projects in the approved CIP FY 2011/2012 and use of fund balance from previous CIP for a new 1404 project (Time: 2:37:42 p.m.)

Capital Projects Manager Chris Cobb noted that based on the City’s ending fund balance being in excess of what was previously expected, funding is available to proceed with the projects in Fund 1404 as outlined in the FY11/12 CIP. He said these projects were previously approved as part of the Capital Improvement Projects list, however, at that time these projects were put on hold until we had a better financial picture. Since that time, the Finance Director Jeff Cronk has advised that the funding is now available in the Capital Projects Fund for these projects.

Council Member Schmitt asked about the energy projects, stating that the energy savings on these projects was supposed to be rolled into future projects. Mr. Cobb stated most of the savings were rolled over into new projects, but most of the savings were depleted with the final phase of the solar projects at the Golden Eagle Regional Park. He said the projects at the park used Community Block Grant Funds and the rebates from other solar projects from NV Energy. There was a question as to whether the “energy savings” the various departments experienced from their solar projects were to be rolled into future solar projects or whether the departments kept the savings within that department (i.e. the Police Department). After discussion, it was determined that the rebates from the energy projects would be rolled back into the CIP for additional projects, but the savings on electric bills resulting from the energy projects benefits the general fund. Council asked staff to provide further clarifications at a later date regarding where the cost savings goes.

Regular City Council Meeting Minutes for November 28, 2011

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to proceed with Capital Projects Fund 1404 projects in the approved CIP FY 2011/2012 and use of fund balance from previous CIP for a new 1404 project. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Motion carried.

6.4 Consideration and possible approval of Resolution No. 3207, Consenting to the Relinquishment and Land Transfer Agreement of portions of Victorian Avenue extending from Twenty-first Street to Rock Boulevard, a distance of approximately 0.33 miles (Time: 2:42:20 p.m.)

Capital Projects Chris Cobb noted that this is a cleanup of a previous project with NDOT (Nevada Department of Transportation). Several years ago we did a stewardship project for improvements on Victorian Avenue between Rock Boulevard and 18th Street. As a part of that project, NDOT was required to obtain all the temporary construction and permanent easements through their right-of-way department. After the project is completed they are required to release the permanent easements back to the City of Sparks. Staff is recommending that the City accept these 8 permanent easements NDOT received from property owners affected by the project.

A motion was made by Council Member Ratti, seconded by Council Member Lawson, to approve the Resolution No. 3207, Consenting to the Relinquishment and Land Transfer Agreement for portions of Victorian Avenue. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Motion carried.

6.5 Consideration and possible approval of Resolution #3208, designating certain employees as Executive; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto

This item was continued to the meeting scheduled for January 9, 2012.

6.6 Consideration, discussion, and possible approval of Resolution # 3209, designating certain employees as Management, Professional and Technical; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto

This item was continued to the meeting scheduled for January 9, 2012.

6.7 Consideration, discussion, and possible approval of Resolution #3210, designating certain employees as Confidential; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto

This item was continued to the meeting scheduled for January 9, 2012.

6.8 Consideration, discussion, and possible approval of Resolution #3211, designating certain employees as Assistant and Senior Assistant City Attorneys; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions

Regular City Council Meeting Minutes for November 28, 2011

related to these employees; and providing other matters properly related thereto

This item was continued to the meeting scheduled for January 9, 2012.

- 6.9 Consideration, discussion, and possible approval of Resolution #3212, designating certain employees as Deputy Police Chief; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto**

This item was continued to the meeting scheduled for January 9, 2012.

- 6.10 First Reading of Bill No. 2638, amending the Sparks Municipal Code relating to alarm systems; an ordinance amending chapter 9 of the Sparks Municipal Code relating to alarm systems; directing that money generated by fees assessed from the false alarm reduction program contained in chapter 9.06 of the SMC shall flow into the city's general fund; and providing other matters properly related thereto (Time: 2:44:26 p.m.)**

City Clerk Linda Patterson read the bill by title. The second reading and public hearing for this bill was set for December 12, 2011.

7. Public Hearing and Action Items Unrelated to Planning and Zoning

None.

8. Planning and Zoning Public Hearings and Action Items

None.

9. Comments

- 9.1 Comments from City Council and City Manager (Time: 2:45:12 p.m.)**

None.

- 9.2 Comments from the Public (Time: 2:45:25 p.m.)**

None.

10. Adjournment: (Time: 2:45:31 p.m.)

There being no further business, the meeting was adjourned at 2:45 p.m.

Mayor

City Clerk

>>>