



MAYOR
Geno Martini

CITY COUNCIL
Julia Ratti, Ward I
Ed Lawson, Ward II
Ron Smith, Ward III
Mike Carrigan, Ward IV
Ron Schmitt, Ward V

CITY ATTORNEY
Chet Adams

REGULAR CITY COUNCIL MEETING MINUTES

2:00 P.M., Monday, August 13, 2012

City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. Call to Order (Time: 2:00 p.m.)

The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 2:00 p.m.

2. Roll Call (Time: 2:00 p.m.)

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

ABSENT: none

STAFF PRESENT: Adam Mayberry, Dan Hamlin, Jen McCall, Chris Syverson, Steve Driscoll, Mindy Falk, Nancy Munson, Steve Keefer, Bob King, Jeff Cronk, Neil Krutz, Heidi Shaw, Tracy Domingues, Tim Thompson, Jim Rundle, John Martini

Invocation Speaker (Time: 2:00 p.m.)

The Invocation was given by Sparks Nazarene Church Pastor Barb West.

Pledge of Allegiance (Time: 2:02 p.m.)

The Pledge of Allegiance was led by Olympian Jake Dalton.

Comments from the Public (Time: 2:03 p.m.)

None

Approval of the Agenda (Time: 2:03 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 motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the agenda with items 6.3 and 6.6 pulled by staff. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES; passed unanimously.

3. Recommendation to Approve Minutes (Time: 2:03 p.m.)

3.1 Consideration and Possible Approval of the minutes of the regular Sparks City Council meeting of July 23, 2012 (FOR POSSIBLE ACTION)

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the minutes as outlined by staff. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES; passed unanimously.

4. Announcements, Presentations, Recognition Items and Items of Social Interest (Time: 2:04 p.m.)

4.1 Proclamation – United States Olympian Jake Dalton Day

Mayor Martini read the Proclamation on behalf of the City of Sparks acknowledging Jake Dalton's Olympic efforts and proclaimed August 13, 2012 as United States Olympian Jake Dalton Day. Jake Dalton accepted the Proclamation.

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

A motion was made by Council Member Schmitt, seconded by Council Member Lawson, to approve Consent Items 5.1 through 5.3 as submitted by staff. Council Members Lawson, Smith, Carrigan, Schmitt, YES; passed unanimously.

5.1 Report of Claims and Bills approved for payment and appropriation transfers for the period July 5, 2012 through July 25, 2012 (FOR POSSIBLE ACTION)

An agenda item from Finance Director Jeff Cronk recommending approval of payment and appropriation transfers for the period of July 5, 2012 through July 25, 2012. There is no general fund impact.

5.2 Consideration and possible approval of request for a waiver of a business license penalty for PCB n Test in the amount of \$70.00 (FOR POSSIBLE ACTION)

An agenda item from PCB n Test Inc. owner Marian Plata and Finance Director Jeff Cronk recommending approval of a request for a waiver of a business license penalty in the amount of \$70.00 because the business owners were out of the country and were unable to review their mail. When attempted to renew, penalties had been assessed.

5.3 Consideration and possible approval to purchase paint and paint products from Ennis Traffic Safety Solutions in the amount of \$30,700.50 (FOR POSSIBLE ACTION)

An agenda item from Deputy City Manager Neil C. Krutz and Maintenance & Operations Manager Dan Hamlin recommending approval to purchase paint and paint products from Ennis Traffic Safety Solutions in the amount of \$30,700.50 to be used for the restriping area streets. There is no impact to the general fund.

6. General Business (Time: 2:12 p.m.)

6.1 Consideration and possible approval of the Mayor's recommendation of appointment to the Civil Service Commission (FOR POSSIBLE ACTION)

City Manager Shaun Carey stated the Mayor's recommendation for appointment to the Civil Service Commission is Louis Robert "Bob" Denis.

A motion was made by Council Member Carrigan, seconded by Council Member Ratti, to approve Bob Denis' appointment to the Civil Service Commission. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES; passed unanimously.

6.2 Consideration and possible acceptance of a donation from the State of Nevada – Enforcing Underage Drinking Laws Grant in the amount of \$10,000.00 (FOR POSSIBLE ACTION)

An agenda item from Police Chief Steve Keefer recommending the City Council accept the State of Nevada Enforcing Underage Drinking Laws Grant donation in the amount of \$10,000. By accepting the donation in the amount of \$10,000.00, the Sparks Police Department will be able to conduct alcohol sale compliance checks as well as other law enforcement operations to reduce underage drinking.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to accept a donation from the State of Nevada Enforcing Underage Drinking Laws Grant in the amount of \$10,000.00. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES; passed unanimously.

6.3 Consideration and possible action on Appeal of a Denial of Business License #054385/Cease and Desist dated 6/8/12 for Michael R. Booher, dba Acoustical & Drywall Services, LLC (FOR POSSIBLE ACTION)

An agenda item from Sr. Assistant City Attorney Doug Thornley discussing the appeal of a denial of a business license. On May 31, 2012, Mr. Booher was provided notice by Sparks Code Enforcement Officer Joe Rodriquez that his business was not in compliance with Sparks Municipal Code (SMC) and would therefore not qualify for a Sparks business license. Sparks Planning Commission denied Mr. Booher's request for a special use permit. Mr. Booher was also advised that an outside storage facility on his business premises constitutes a violation of the SMC. Mr. Booher responded within the 13 days from date of mailing to request an appeal of the denial of a business license.

This item was pulled.

6.4 Request for update on legal costs incurred to date related to legal matters between the City of Sparks and the Sparks Municipal Court for discussion and possible direction (FOR POSSIBLE ACTION)

City Council Member Mike Carrigan requested an agenda item to report the spending to date on the legal costs for litigation between the City of Sparks and the Sparks Municipal Court. As of July 31, 2012 the costs for both parties is \$207,461.79. Of this amount the City has expended \$72,978.85 to Lemons, Gundy and Eisenberg for City Special Counsel and the City has also expended \$134,482.94 to Holland and Hart for Special Counsel for the Sparks Municipal Court.

City Manager Shaun Carey stated the City of Sparks' share was being paid from the General Government cost center. The Municipal Court was currently paying their share of city expenses from assessments collected through court proceedings.

Council Member Carrigan asked if the matter has gone to court. City Manager Carey stated it was heard in District Court where the City received an injunction, which the City was appealing before the Supreme Court. A trial date has yet to be set for this matter.

Council Member Smith asked about the previous review of the Charter Committee regarding this matter. City Manager Carey stated that prior to the Charter Committee's meeting, the Court requested they withdraw the item from their review. It was on the agenda and members of the Council presented their comments.

Council Member Schmitt asked how much the City's General Fund subsidizes the Court and believes all these costs are paid out of the general fund in one way or another.

No action taken.

6.5 Consideration and possible acceptance of Forensic Support Services Agreement between the Washoe County Sheriff's Office and the Sparks Police Department (FOR POSSIBLE ACTION)

An agenda item from Police Chief Steve Keefer requesting Council approve a Forensic Support Services Agreement with the Washoe County Sheriff's Office for Forensic Support Facilities and Services. The contract provides laboratory analysis for an array of different type of call-outs requested by the Sparks Police Department's Detective Division. This is a two year contract being \$249,500.00 for the FY 12/13 and \$284,500.00 for FY 13/14.

Council Member Schmitt stated his concern that City of Sparks' residents were already subsidizing Washoe County without receiving any services in return and this may be a way for Washoe County to collect additional money to pay their bills. He also expressed concern that residents do not know what services are being paid for.

Discussion was heard regarding the benefits of the forensic lab.

Council Member Carrigan asked how bills from Forensic Support Services were being calculated. Chief Keefer stated the amount fluctuates based on services provided for each investigation.

City Manager Carey added for the record Sheriff Haley was carrying out direction from Washoe County Commissioners to have a contract with the City of Sparks for forensic services.

A motion was made by Council Member Ratti, seconded by Council Member Carrigan, to approve the Forensic Support Services Agreement between the Washoe County Sheriff's Office and the Sparks Police Department as submitted by staff. Council Members Ratti, Lawson, Smith, and Carrigan, YES; Council Member Schmitt, NO; motion passed by a vote of 4-1.

6.6 Consideration and possible adoption of Resolution #3219 authorizing the transfer of the City of Sparks' 2012 State Volume Bond Capacity of \$4,825,026.64 to the Nevada Department of Business and Industry for First Time Homebuyers Programs offered by the Nevada Housing Division (NHD)

and Nevada Rural Housing Authority (NRHA) in the City of Sparks (FOR POSSIBLE ACTION)

An agenda item from Housing Specialist George Graham recommending Council authorize the allocation and transfer of the City's 2012 State Volume Bond Cap Share (\$4,825,026.64) to the Nevada Housing Division (NHD) and Nevada Rural Housing Authority (NRHA) for their respective First Time Homebuyers programs. The bond capacity allocation is to be distributed on a 50%/50% basis to each entity.

This item was pulled.

6.7 Consideration and possible direction to initiate a code amendment to review the period of time a recreational vehicle is permitted to occupy any recreational vehicle park within the City of Sparks and providing other matters properly relating thereto (FOR POSSIBLE ACTION)

An agenda item from Senior Planners Tim Thompson and Karen Melby regarding a request to consider revising the recreational vehicle code to be consistent with the definition of a recreational vehicle found in NRS by increasing the period of time a recreational vehicle can occupy any recreational vehicle park. This item provides the City Council the opportunity to direct staff to research and prepare a code amendment for future consideration.

Senior Planner Tim Thompson stated current code allows for an RV to stay in a recreational park for 25 days. There is one recreational park that may have been grandfathered in therefore is not subject to City Code.

Council Member Lawson asked if this amendment was to bring the City of Sparks into compliance with State of Nevada requirements regarding this issue. Mr. Thompson stated the NRS definition of a recreational park includes a time frame of 90 days for recreational vehicles.

A motion was made by Council member Smith, seconded by Council Member Schmitt, to direct staff to initiate a code amendment to Title 20 (Zoning Code) of the Sparks Municipal Code to review the period of time a recreational vehicle is permitted to occupy any recreational vehicle park within the City of Sparks and providing other matters properly relating thereto. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES; passed unanimously.

6.8 Discussion and possible approval of a selection or no selection of a Bill Draft Request for the 77th Session of the Nevada Legislature (FOR POSSIBLE ACTION)

An agenda item from Community Relations Manager Adam Mayberry discussing the city's opportunity to sponsor one BDR for each legislative session. This item will enable the City Council to select and approve a BDR for the 77th Session of the Nevada Legislature, or not select at BDR.

Community Relations Manager Adam Mayberry reported the League of Cities has identified five Bill Draft Requests with one replacement from the Council of Mayors to broaden the sales tax base in order to decrease sales tax while expanding it to other services. The Board of Directors has approved the five Bill Draft Requests. Items A and B are moving through the Legislative

process with the remaining BDRs to be reviewed individually. The request is not to pursue a Bill Draft Request for this session. The deadline to submit is September 1, 2012.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to continue this item until the August 27, 2012 City Council Meeting. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES; passed unanimously.

6.9 Performance review by the City Council of City Manager Shaun Carey to consider the character, conduct, professional competence, or mental health of the City Manager and/or consideration and possible approval of an extension of Employment Agreement through 7/31/2014 (CONTINUED FROM THE JULY 9, 2012 CITY COUNCIL MEETING) (FOR POSSIBLE ACTION)

An agenda item from Employee and Customer Relations Manager Chris Syverson requesting a review of the performance results and extension of the employment agreement for the City Manager as allowed for in the City Manager's Employment Agreement. The Mayor and City Council members were requested to provide performance feedback. At the request of the City Manager, feedback was also solicited from the Assistant City Manager, Department Heads, City Clerk, and Community Relations and Government Affairs Manager.

Council Members thanked Mr. Carey for his services to the City of Sparks.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve an extension of the City Manager Employment Agreement through July 31, 2014. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES; passed unanimously.

7. Public Hearing and Action Items Unrelated to Planning and Zoning (Time: 2:42 p.m.)

None

8. Planning and Zoning Public Hearings and Action Items (Time: 2:42 p.m.)

8.1 PCN12020, Alfa Aesar, Consideration of and possible action on a request for a Special Use Permit to allow for storage and distribution of hazardous chemicals on a site approximately 9.6 acres in size in the TOD (Transit Oriented Development – Employment) zoning district located at 2070 Brierley Way in Sparks, NV (FOR POSSIBLE ACTION)

An agenda item from Senior Planner Jim Rundle on behalf of Prologis for Alfa Aesar and the Sparks Planning Commission, recommending the Sparks City Council approve the Special Use Permit to allow for storage and distribution of hazardous chemicals at 2070 Brierley Way. The Sparks Planning Commission, at its July 19 meeting, forwarded a recommendation of approval to allow for storage and distribution of hazardous chemicals on a site approximately 9.6 acres in size in the TOD (Transit Oriented Development-Employment) zoning district located at 2070 Brierley Way. This entitlement actually falls under NRS and not the Sparks Municipal Code (SMC). Unlike most Special Use Permits, in this case the Planning Commission served as a recommending body to the City Council. NRS 278.147(5) states, "The planning commission

shall, within a reasonable time after the public hearing, submit to the governing body its recommendations for any actions to be taken on the application."

Senior Planner Jim Rundle stated approval by the City Council was being recommended because the permit falls under NRS as a conditional use permit because the site will have chemicals listed in NRS. The application has been forwarded to other departments such as the State Fire Marshal's Office for additional reviews of the site. The chemicals will be shipped in small bottles and will not pose a significant amount of danger to the City or its residents. Discussion was heard about the facility being used to receive chemical shipments for redistribution to different laboratories in the western states for medical and experimental use.

Fire Marshal Bob King stated the fire protection in the building will be above and beyond what is needed.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to approve the Special Use Permit associated with PCN12020 based on Findings 51 through 56 including conditions 1 through 6 and the facts supporting these findings as set forth in the staff report. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES; passed unanimously.

8.2 PCN12015, Public Hearing, consideration and possible action on a Master Plan Amendment request to remove the Iratcabal East Area Plan from the City of Sparks Master Plan; to change the land use designation from Child Day Care to Office Professional (OP) on 1.43 acres; and change the land use designation from Mini-Storage/R.V. Storage to General Commercial (GC) on 6.66 acres on a site approximately 37 acres in size generally located east of Vista Boulevard, north of Disc Drive, and south of Los Altos Parkway, Sparks, NV (FOR POSSIBLE ACTION)

An agenda item from Senior Planner Tim Thompson requesting to remove the Iratcabal East Area Plan from the City of Sparks Master Plan; to change the land use designation from Child Day Care to Office Professional (OP) on 1.43 acres and, change the land use designation from Mini-Storage/R.V. Storage to General Commercial (GC) on 6.66 acres.

Senior Planner Tim Thompson explained staff deemed it appropriate to consider removal of the Iratcabal East Area Plan to promote job growth and to streamline the process. The Area Plan has been largely developed through amendments and was under a previously approved development plan. A neighborhood public meeting was held on this issue. Concerns centered on traffic in existing conditions.

At a City Council retreat in August 2011, the City Council requested staff look at amendments to the development codes to remove barriers to development and job creation. Recently, staff has been approached by two separate individuals who own property located within the Iratcabal East Area Plan. These individual property owners have a desire to expand existing uses or are seeking greater flexibility with regard to the allowable uses. The area plan currently restricts uses that would otherwise be permissible by City zoning. For these reasons and because of the number of previous master plan amendments discussed above, staff has concluded that the Iratcabal East

Area Plan has served its intended purpose and that removing it from the Master Plan can facilitate additional investment.

A motion was made by Council Member Carrigan, seconded by Council Member Lawson, to certify the Master Plan Amendment Resolution #3220 associated with PCN12015, adopting Findings MP1 through MP4 and the facts supporting these Findings as set forth in the Planning Commission staff report. Council Members Ratti, Lawson, Smith, Carrigan, YES; Council Member Schmitt, NO; motion passed by a vote of 4-1.

8.3 PCN12009, Public Hearing, Consideration and possible action on a Master Plan Amendment request to change the land use on 3.37 acres from Office Professional (OP) to General Commercial (GC) on a site 3.37 acres in size generally located east of Vista Boulevard, south of Basco Way, and north of Iratcabal Drive, Sparks, NV (FOR POSSIBLE ACTION)

An agenda item from Senior Planner Tim Thompson on behalf of DDC-II, LLC, requesting to change the land use on 3.37 acres from Office Professional (OP) to General Commercial (GC). The proposed Master Plan Amendment is intended to provide greater flexibility with regard to the number of allowable uses.

Council Member Carrigan asked what was being planned for the site. Applicant Chris Baker stated he did not know. They were requesting the location be opened for retail uses.

A motion was made by Council Member Carrigan, seconded by Council Member Lawson, to certify Master Plan Amendment Resolution #3221 associated with PCN12009, adopting Findings MP1 through MP4 and the facts supporting these Findings as set forth in the Planning Commission staff report. Council Members Ratti, Lawson, Smith Carrigan, YES; Council Member Schmitt, NO; motion passed by a vote of 4-1.

9. Comments (Time: 3:01 p.m.)

9.1 Comments from City Council and City Manager

Council Member Smith asked if there was any way the City Council could override HOA laws with regards to RV parking. Senior Planner Tim Thompson stated the City is not a part of CC&Rs, which is a private contract between individual property owners. Council Member Smith requested Mr. Rundle review zoning codes for senior day care facility requirements for over five residents.

City Manager Shaun Carey thanked Mr. Rundle for his assistance with agenda item 8.1.

City Attorney Chet Adams introduced new City Attorney's Office employee Marilie Smith. Mayor Martini presented Ms. Smith with a City of Sparks pin.

9.2 Comments from the Public - None

10. Adjournment (Time: 3:17 p.m.)

Council was adjourned at 3:17 p.m.