



MAYOR
Geno Martini

CITY COUNCIL
Donald Abbott, Ward I
Ed Lawson, Ward II
Ron Smith, Ward III
Charlene Bybee, Ward IV
Kristopher Dahir, Ward V

CITY ATTORNEY
Chet Adams

CITY MANAGER
Steve Driscoll

REGULAR CITY COUNCIL MEETING MINUTES
2:00 P.M., Monday, February 13, 2017
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 Pro Tempore Ron Smith at 2:00 p.m.

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

Council Members Donald Abbott, Ed Lawson, Ron Smith, Charlene Bybee, Kristopher Dahir, Assistant City Manager Neil Krutz, City Attorney Chet Adams and City Clerk Teresa Gardner, PRESENT.

ABSENT: Mayor Geno Martini

3. Opening Ceremonies

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

The invocation was provided by Pastor Barb West, Sparks Church of the Nazarene.

3.2 Pledge of Allegiance (Time: 2:01 p.m.)

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

4. Public Comment (Time: 2:02 p.m.)

Anonymous spoke about the unlawful destruction of documents regarding child abuse cases.

Kim Ciesynski of 39 North Downtown gave an update on some of the upcoming events that will be happening in the area.

5. Agenda (Time: 2:09 p.m.)

5.1 Approval of the Agenda (FOR POSSIBLE ACTION)

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 Lawson, seconded by Council Member Bybee, to approve the agenda as submitted. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

6. Minutes (Time: 2:10 p.m.)

6.1 Consideration and possible approval of the minutes of the Sparks City Council Workshop for the Sanitary Sewer Model Update of January 23, 2017 and the regular Sparks City Council meeting of January 23, 2017. (FOR POSSIBLE ACTION)

A motion was made by Council Member Lawson, seconded by Council Member Abbott, to approve the minutes of the Sparks City Council Workshop for the Sanitary Sewer Model Update of January 23, 2017 and the regular Sparks City Council meeting of January 23, 2017. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

7. Announcements, Presentations, Recognition Items and Items of Special Interest (Time: 2:10 p.m.)

7.1 Presentation from Women and Children's Center of the Sierra (Time: 2:10 p.m.)

A presentation on the Women & Children's Center of the Sierra was given by Special Events Supervisor Francine Burge and Charles White, a volunteer board member for Women and Children's Center of the Sierra. Mr. White gave an update on the programs and services the Center provides. Francine Burge, speaking as a volunteer of the Women and Children's Center of the Sierra announced the City of Sparks jewelry and accessories drive for the old treasures, new futures Truecolors event on March 9th. Council Member Bybee presented Ms. Burge with a donation for the event.

7.2 Presentation: Community Foundation of Western Nevada (Time: 2:20 p.m.)

A presentation by the President & CEO of Community Foundation of Western Nevada Chris Askin. Mr. Askin gave an update on events, programs and services provided by the Community Foundation. Director of Community Leadership Chris Tscheekar spoke about the caregiver support initiative for caregivers of senior family members. There will be a new website called Washocaregivers.org that will help point caregivers towards help they need.

8. Consent Items (FOR POSSIBLE ACTION) (Time: 2:33 p.m.)

A motion was made by Council Member Dahir, seconded by Council Member Bybee, to approve the consent items 8.1 and 8.2 as submitted. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

8.1 Report of Claims and Bills approved for payment and appropriation transfers for the period January 5, 2017 through January 25, 2017. (FOR POSSIBLE ACTION)

An agenda item from Financial Services Director Jeff Cronk recommending the City Council approve the report of claims and bills as presented in the staff report.

8.2 Consideration, review and acceptance of the receipt of grant and/or donation money which is individually under \$5,000. (FOR POSSIBLE ACTION)

An agenda item from Accountant Rick Parton recommending Council accept the receipt of grant and/or donation money which is individually under \$5,000. Donations were received from various people to the Police Department General Donations program, Violence Against Women program and Partners in Parks & Recreation program. There is no impact to the general fund.

9. General Business

9.1 Consideration of and possible approval of the Mayor's recommendation of the appointment of Frank Petersen to the Truckee Meadows Regional Planning Commission from the following potential appointees: Mary Brock, Scott Carey, James Fewins, James Gaba and Frank Petersen. (FOR POSSIBLE ACTION) (Time: 2:33 p.m.)

An agenda item from Assistant City Manager Neil Krutz, on behalf of Mayor Martini, recommending Council confirm the Mayor's recommendation of the appointment of Frank Petersen to the Regional Planning Commission. Mr. Petersen will fill the vacancy left By Commissioner Lean through June 30, 2019. There is no impact to the general fund.

A motion was made by Council Member Lawson, seconded by Council Member Dahir, to confirm the Mayor's recommendation to appoint Frank Petersen to the Truckee Meadows Regional Planning Commission to a term that expires on June 30, 2019. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.2 Consideration and possible approval of Resolution No. 3306 ratifying the declaration of the termination of a Local Emergency, effective 5:00 P.M. on Friday, January 27, 2017. (FOR POSSIBLE ACTION) (Time: 2:34 p.m.)

An agenda item from Assistant City Manager Neil Krutz on behalf of City Manager Steve Driscoll recommending Council ratify Resolution No. 3306. On January 6, 2017, Acting City Manager Neil Krutz declared a state of emergency at 10:00 A.M., with the Mayor Pro Tempore Ron Smith's concurrence.

It was determined that the emergency status of the event for the City of Sparks was past as of 5:00 P.M. on Friday, January 27, 2017, and the City Manager declared the termination of the State of Emergency. There is no impact to the general fund.

A motion was made by Council Member Lawson, seconded by Council Member Abbott, to ratify Resolution No. 3306 declaring the termination of a local state of emergency. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.3 Consideration and possible approval of Resolution No. 3307 directing staff to temporarily reject applications, as provided herein, for new land uses proposing 15 or fewer slot machines or privileged gaming licenses involving such proposed uses, and matters properly related thereto. (FOR POSSIBLE ACTION) (Time: 2:36 p.m.)

An agenda item from Assistant City Attorney Doug Thornley recommending Council adopt the Resolution.

Council member Bybee made the statement: "I will be abstaining from this item because my husband works for a non-restricted gaming licensee that is a member of the Nevada Resort Association. I am unsure whether this specifically rises to the level of a disqualifying conflict under the Ethics in Government Law, I believe it is prudent to be cautious with respect to this type of issue. Therefore, as required by state law, I will not vote or advocate for or against the passage of this measure. Thankyou."

On January 23, 2017, the Sparks City Council directed staff to examine the city's licensing ordinances related to restricted gaming. Under Nevada law, restricted gaming is required to be "incidental to the primary business of the establishment." NRS 463.0189. In Sparks, restricted gaming is an accessory use, which means the gaming element of any business so licensed may not occupy more than ten percent of the building footprint (SMC 20.03.002). With respect to restricted gaming, concerns related to the relationship between primary and incidental or accessory uses have surfaced over the past several years, resulting in significant changes to state and local gaming regulations.

At present, there are no applications pending with the city to allow new restricted gaming operations. Staff is requesting the moratorium on such applications until July 1 of this year or until Council takes final action. This will allow staff the opportunity to consider the issue as directed and develop any proposals without creating a class of applicants who would be grandfathered in under the existing laws but potentially out of compliance with any amendment that may arise out of this process. There is no impact to the general fund.

Sev Carlson from Kaempfer Crowell spoke on behalf of Nevada Restaurant Services, Inc., DBA Dotty's. Dotty's maintains its Northern Nevada headquarters and five establishments in Sparks. Mr. Carlson requested time to meet with the city to discuss Dotty's business model and some of the specifics in the proposed Ordinance.

Michael Alonso with Lewis Roca on behalf of the Nevada Resort Association spoke in favor of the moratorium.

Council Member Lawson asked what would happen if the city received applications during the moratorium and what would happen after July 1. Assistant City Attorney Thornley stated any applications received during the moratorium would be rejected. He also stated that July 1 was a date selected because it gave Council a reasonable amount of time to work through the issue.

A motion was made by Council Member Dahir, seconded by Council Member Lawson, to approve the moratorium as presented by staff. Council Members Abbott, Lawson, Smith, Dahir, YES. Council Member Bybee, ABSTAINED. Motion carried 4-0.

9.4 Consideration and possible approval of reimbursement to the City of Reno in the amount of \$401,849.70 for Sparks' share of a construction bid award to KG Walters Inc. for the TMWRF Nitrification Tower Control Valve Replacement Phase II project (AC-5337). (FOR POSSIBLE ACTION) (Time: 2:43 p.m.)

An agenda item from Treatment Plant Manager Michael Drinkwater recommending Council approve the reimbursement of Sparks' share of the contract. The control valves for the Nitrification Trickling Filters (NTFs) must be operated at least twice per week as part of a snail mitigation treatment procedure as well as for intermittent maintenance needs. The current valves being proposed for replacement have been in service since 1985 and are at the end of their service life. This will complete the valve replacement project. Funding is from the sanitary sewer cap project fund; there is no impact to the general fund.

A motion was made by Council Member Lawson, seconded by Council Member Dahir, to approve the reimbursement to the City of Reno for Sparks' share of the Nitrification Tower Control Valve

Phase II project at TMWRF in an amount not to exceed of \$401,849.70. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.5 Consideration and possible approval of Consultant Agreement for construction management services with HDR Engineering, Inc. for the Truckee Meadows Water Reclamation Facility Nitrification Tower Control Valve Replacement Phase 2 Project (AC-5338) in an amount not to exceed \$246,700.00 with the City of Sparks' portion being \$77,389.79. (FOR POSSIBLE ACTION) (Time: 2:45 p.m.)

An agenda item from Treatment Plant Manager Michael Drinkwater recommending Council approve the consultant agreement to provide construction management services during the construction period. The scope includes review of contractor submittals, responding to requests for information and field change clarifications, assistance in the preparation and review of change orders. It also includes preparing and processing payment applications, and conducting regularly scheduled project coordination meetings, on-site meetings and field visits. Funding is from the sanitary sewer capital project fund; there is no impact to the general fund.

A motion was made by Council Member Lawson, seconded by Council Member Dahir, to approve the consultant agreement with HDR Engineering Inc. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.6 Consideration and possible approval of reimbursement to the City of Reno in the amount of \$123,440.95 for Sparks' share of a contract with K.G. Walters Construction Co., Inc. for construction of the Truckee Meadows Water Reclamation Facility (TMWRF) Aeration Piping System Modification Project (AC-5339). (FOR POSSIBLE ACTION) (Time: 2:46 p.m.)

An agenda item from Treatment Plant Manager Michael Drinkwater recommending Council approve the reimbursement of Sparks' share of the contract. A comprehensive risk ranking for needed improvements at TMWRF identified the aeration system as one of the more critical Capital Improvement Projects that needs to be addressed. This improvement will allow for more balanced air delivery to the aeration tanks, improving the plant's ability to continue to reliably treat wastewater to the required standards. Funding is from the sanitary sewer capital project fund; there is no impact to the general fund.

A motion was made by Council Member Bybee, seconded by Council Member Abbott, to approve the reimbursement to the City of Reno for Sparks' share of the Aeration Piping System Modification project at TMWRF in an amount not to exceed of \$123,440.95. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.7 Consideration of and possible direction to staff to initiate amendments to Title 2 - Administration and Personnel and Title 7 - Health and Welfare of the Sparks Municipal Code. (FOR POSSIBLE ACTION) (Time: 2:47 p.m.)

An agenda item from Planning Manager Jim Rundle, representing an item sponsored by Council Member Smith, recommending Council instruct staff to initiate amendments to Title 2 - Administration and Personnel and Title 7 - Health and Welfare. In January 2015, the City Council adopted Ordinance No. 2507 to provide city officials the authority to issue civil citations. This ordinance also provided for an adjudication process including administrative hearings and an appeal process. The mechanisms provided in the property preservation code, provided staff a tool

for gaining compliance from property owners that would have otherwise been far more challenging. After substantial use of the property preservation code staff has identified some inconsistencies in the procedures for assessing fines in Title 2, and the abatement procedures identified in Title 7. Staff believes that with some minor changes to the ordinance the public will have a clearer picture of potential fines that can be assessed against their property if they do not comply with the Municipal Code. There is no impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Bybee, to direct staff to initiate code amendments to Title 2 - Administration and Personnel and Title 7 - Health and Welfare of the Sparks Municipal Code to refine the civil citation process, address inconsistencies with other municipal code titles, and providing other matters properly relating thereto. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.8 Consideration and possible direction to initiate amendments to Title 20 - Zoning Code of the Sparks Municipal Code. (FOR POSSIBLE ACTION)
(Time: 2:57 p.m.)

An agenda item from Planning Manager Jim Rundle recommending Council instruct staff to initiate a code amendment to Title 20 - Zoning Code. Staff has been utilizing the new Sparks zoning code since 2015 and has identified minor oversights and inconsistencies that should be refined. This would be an opportune time to amend Floor Area Ratios in the Mixed Use District for commercial buildings that have been carried over from the former TOD zoning district. It could also include new proposals that would incorporate City Council goals as adopted in the new Comprehensive Plan. This item would direct staff to research, review and identify possible amendments to Title 20 to establish consistency and completeness to this relatively new Zoning Code. Staff may ultimately identify other related changes for future City Council consideration. There is no impact to the general fund.

A motion was made by Council Member Lawson, seconded by Council Member Bybee, to direct staff to initiate a code amendment to Title 20 - Zoning Code of the Sparks Municipal Code to address inconsistencies, oversights, and Comprehensive Plan policies and providing other matters properly relating thereto. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.9 Discussion and possible direction by the City Council to intervene in the litigation regarding Washoe County's bill draft request regarding the Truckee Meadows Regional Planning Agency's Governing Board introduced as Assembly Bill 39 of the 2017 Legislative session. (For Possible Action) (Time: 2:59 p.m.)

An agenda item from Planning Manager Jim Rundle on behalf of Council Member Bybee as Chairperson of the Regional Planning Governing Board, recommending that the Sparks City Council consider the pending litigation between the Truckee Meadows Regional Planning Agency's Governing Board and the Washoe County Board of County Commissioners and determine whether the City of Sparks should intervene in the litigation. In 2002 the City of Sparks, City of Reno and Washoe County through the Truckee Meadows Regional Planning Agency all signed a settlement agreement that identified Spheres of Influence for Washoe County, Reno and Sparks, established required findings for annexations, and established a protocol for proposing legislation to change any terms of the settlement agreement. The settlement agreement requires that all parties jointly submit the legislation.

The Washoe County Board of County Commissioners (BCC) submitted a bill draft request to change the number of representatives from the local entities on the Truckee Meadows Regional Planning Governing Board (AB 39) independent of the Regional Planning Governing Board (RPGB); the RPGB has asserted that the BCC violated the terms of the settlement agreement. The RPGB has now filed suit against the BCC for said violation.

Councilwoman Bybee, the current chair of the RPGB, has requested the Sparks City Council to consider intervening in the lawsuit on the side of the RPGB. The City of Reno will also be considering a similar item at their February City Council meeting. There is no impact to the general fund.

Council Member Lawson stated there are three local officials out of seventeen that want to make this change and the city needs to intervene. Council Member Bybee stated no one takes litigation lightly, but this is something the city needs to do because Washoe County did not follow the legal process to make legislative changes to the Board.

A motion was made by Council Member Dahir, seconded by Council Member Lawson, to intervene on the side of the Regional Planning Governing Board in the lawsuit filed against Washoe County for violating the settlement agreement and specific Nevada Revised Statutes. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

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

10.1 Presentation, discussion and possible approval of a Memorandum of Understanding (MOU) between the City of Sparks and the International Association of Firefighters Local No. 1265 (AC-5340) to add a new job title and pay for Firefighter/Paramedic; to add a special pay for Paramedic available to Firefighter, Fire Apparatus Operator and Fire Captain jobs; and, to jointly agree to convert special pay for Emergency Medical Technician – Advanced (EMT-A) to a base pay increase for Firefighter, Fire Apparatus Operator and Fire Captain in exchange for the requirement to maintain the certification as a condition of employment. (FOR POSSIBLE ACTION) (Time: 3:05 p.m.)

An agenda item from Assistant City Manager Neil Krutz recommending Council approve the MOU. The MOU would provide an additional 6.5% base pay for existing Firefighters who already possess Paramedic Certification and 3% additional base pay for any existing Fire Apparatus Operators and Fire Captains with Paramedic Certification. The MOU would also convert the current special pay for EMT-A to base pay in exchange for adding the requirement to hold the EMT-A certification to the job requirements for Firefighter, Fire Apparatus Operator and Fire Captain. The MOU would create a new job title and set a new pay scale for Fire Fighter/Paramedic. There will be a combined seniority table in the event of layoffs. This allows the city to honor long term personnel and the ability to keep the new service if another downturn happens in the economy again. There is an anticipated \$116,000 impact to the general fund. The city agrees to pay for the maintenance of the paramedic certification.

The Public Hearing was opened at 3:16 p.m.; no comments were received. The Public Hearing was closed.

A motion was made by Council Member Bybee, seconded by Council Member Dahir, to approve the Memorandum of Understanding with the International Association of Firefighters, Local No. 1265. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

11. Planning and Zoning Public Hearings and Action Items

11.1 None

12. Comments

12.1 Comments from the Public (Time: 3:23 p.m.) - None.

12.2 Comments from City Council and City Manager (Time: 3:23 p.m.) – None.

13. Adjournment

Council was adjourned at 3:23 p.m.

Ron Smith, Mayor Pro Tempore

ATTEST:

Teresa Gardner, City Clerk

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