



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., Tuesday, May 27, 2014**  
**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.)

Mayor Geno Martini, Council Members Julia Ratti, Ed Lawson, Ron Smith (5:04 p.m. to 5:06 p.m. via phone), Mike Carrigan, Ron Schmitt, City Manager Steve Driscoll, City Attorney Chet Adams and City Clerk Teresa Gardner, PRESENT.

ABSENT: Ron Smith (majority of the meeting)

Staff Present: Andy Koski, Tom Garrison, Tracy Domingues, Ron Korman, Dan Hamlin, Michael Drinkwater, Jeff Cronk, Neil Krutz, Adam Mayberry, Jill Valdez, Jen McCall, Debi Kinder, Andy Hummel, Chris Syverson, Cyndi Boggan, Armando Ornelas, Brian Miller, Brian Cason, Kim Laber, Bill Lutsch, Todd Saxberg, Dan Marran, John Martini, Karen Melby, Stacie Hemmerling, Jim Rundle, Tom Miller, Brian Allen, Curt Wilson, John Franz, Jason Woodard, Donna DiCarlo, Rich Brown.

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

The invocation was provided by Brent Roelofs, Church of Jesus Christ of Latter Day Saints.

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

The Pledge of Allegiance was led by Council Member Mike Carrigan.

**Comments from the Public** (Time: 2:02 p.m.)

J. Edward Parker, representing Nevada Amateur Relay League, asked for an endorsement at the next City Council meeting and distributed a proclamation from the Governor of the State of Nevada, Brian Sandoval, proclaiming June 2014 as Nevada Amateur Radio Month. Mayor Martini requested the City of Sparks also proclaim the same at the next Council meeting.

**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 Schmitt, seconded by Council Member Ratti, to approve the agenda as submitted. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Passed unanimously with those present.

**3. Recommendation to Approve Minutes of May 12, 2014** (Time: 2:04 p.m.)

**3.1 Consideration and possible approval of the minutes of the regular Sparks City Council Meeting for May 12, 2014.**

A motion was made by Council Member Ratti, seconded by Council Member Lawson, to approve the minutes of the Regular Meeting of May 12, 2014 as outlined by staff. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Passed unanimously with those present.

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

**4.1 Proclamation: "Nevada Wildfire Awareness Month"** (Time: 2:04 p.m.)

Mayor Martini proclaimed May 2014 as Nevada Wildfire Awareness Month and called for citizens to prepare their homes to reduce the wild file threat. The Proclamation was accepted by Sparks Fire Department Division Chief Andy Koski.

**4.2 Alliance for Innovation Academy, Award & Recognition of the following employees: Steve Driscoll, Neil Krutz, Tom Garrison, Tracy Domingues, Chris Maples, Brian Miller, Jim Rundle, Michael Drinkwater, Cyndi Boggan, Donna DiCarlo, Jill Valdez, Debi Kinder and Chris Syverson.**  
(Time: 2:07 p.m.)

A presentation was given by Employee & Customer Relations Manager Chris Syverson to recognize the employees that participated in the Innovation Academy. Ms. Syverson presented the program which identified 113 projects, methodologies, measurements, challenges and successes. Ms. Syverson presented the Council the award received for Sparks' participation in the Innovations Academy. Mayor Martini presented certificates to the Innovations Academy members.

**4.3 Presentation of Firefighter Curt Wilson for being awarded the Northern Nevada American Red Cross Firefighter Hero Award.** (Time: 2:20 p.m.)

Fire Chief Tom Garrison presented Sparks Firefighter Curt Wilson with the Fire Department's Medal of Valor for his heroic actions in a river water rescue of two individuals in 2013. The American Red Cross also awarded its Firefighter Real Hero Award to Firefighter Wilson.

**4.4 Northern Nevada Medical Center nominated Lt. John Franz and Sergeant Jason Woodard for the American Red Cross's 2014 Real Heroes Award, for providing training/risk assessment to NNMC staff regarding Active Assailants.** (Time: 2:25 p.m.)

Sparks Police Operations Deputy Chief Tom Miller presented the nomination by Northern Nevada Medical Center (NNMC) for the American Red Cross 2014 Real Heroes Award to Sparks Police Lieutenant John Franz and Sergeant Jason Woodard. The nomination by NNMC was made for the service provided in training and risk assessments of the NNMC facility for encountering active assailants. The ongoing training began in January 2013. Lieutenant Franz and Sergeant Woodward were recognized for their outstanding efforts, and their representation of the City of Sparks and the Sparks Police Department. Lieutenant Franz and Sergeant

Woodward said they are preparing to provide additional regional departmental training and will provide more public training on how to survive these types of attacks.

**5. Consent Items** (Time: 2:33 p.m.)

A motion was made by Council Member Ratti, seconded by Council Member Lawson, to approve the consent agenda as submitted. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Passed unanimously with those present.

**5.1 Report of Claims and Bills approved for payment and appropriation transfers for the period April 24, 2014 through May 7, 2014 (FOR POSSIBLE ACTION)**

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

**5.2 Consideration and possible award of the Municipal Courthouse Parking Lot Rehabilitation to Kustom Koatings, in the amount of \$73,416. (FOR POSSIBLE ACTION)**

An agenda item from Transportation Manager Jon Ericson recommending Council award the contract to Kustom Koatings. The Municipal Courthouse parking lot is an asset included in the city's Transportation System - Pavement Management Program. Utilizing the city's Pavement Management System, the parking lot at the Municipal Court was identified for rehabilitation. The project scope includes the replacement of the asphalt parking lot at the Municipal Courthouse located at 15th and "C" Streets. The City of Sparks received five (5) qualified bids for this project. There is no impact to the general fund; funding is from the Capital Projects Fund.

**5.3 Consideration and possible approval of a Reversion to Acreage Map for Livona Lopshire and Brenda Freiberger. (FOR POSSIBLE ACTION)**

An agenda item from City Engineer John Martini recommending Council approve the reversion to acreage map as submitted. Livona Lopshire and Brenda Freiberger have submitted a reversion to acreage map for lots 17 and 18 of the Newtown Tract (Tract Map 79). The reversion to acreage map has been reviewed by the Community Services Department and has been found to be acceptable. There is no impact to the general fund.

**5.4 Consideration and possible approval to add the position series of Systems Analyst, GIS I/II and Systems Analyst Senior, GIS and associated salary ranges to the Management, Professional and Technical Resolution, Appendix A, and to reclassify one existing Systems Analyst, I/II position to a Systems Analyst Senior, GIS position in the complement for Community Services. (FOR POSSIBLE ACTION)**

An agenda item from Assistant Community Services Director John Martini recommending Council approve the addition of the position series of Systems Analyst, GIS I/II and Systems Analyst Senior, GIS with associated salary ranges to the Management, Professional and Technical Resolution, Appendix A, and to reclassify one existing Systems Analyst, I/II position to a Systems Analyst Senior, GIS position in the complement for Community Services. This proposal requests a complement change in Community Services, and at the same time the Mid-management, Professional and Technical Resolution must be amended to add the position series of Systems Analyst, GIS I/II and Systems Analyst Senior, GIS and associated salary ranges. The

maximum salary for the existing Systems Analyst, I/II position in the complement is greater than the minimum salary for the Systems Analyst Senior, GIS position as proposed. A new hire entering at the minimum salary with the complement change is not projected to surpass the salary paid to the outgoing Systems Analyst, II employee for approximately three (3) years. There is no impact to the general fund anticipated for three fiscal years.

**5.5 Consideration and possible approval of a Memorandum of Understanding (MOU) between the City of Sparks and Operating Engineers Local Union No. 3 to add six (6) job families in the Maintenance Worker series and eliminate the generic title of Maintenance Worker I/II/III in the Operating Engineers Local Union No. 3 Non-Supervisory Contract. (FOR POSSIBLE ACTION)**

An agenda item from Deputy City Manager for Community Services Department Neil Krutz recommending Council approve the addition of the newly created job family classifications of the Parks Maintenance Worker, Streets Maintenance Worker, Traffic Maintenance Worker, Utilities Maintenance Worker, Facilities Maintenance Worker, Community Appearance Maintenance Worker and eliminate the generic positions of the Maintenance Worker I/II/III in the Operating Engineers Local Union No. 3 Non-Supervisory Contract. Approval of the Memorandum of Understanding (MOU) between the City of Sparks and Operating Engineers Local Union No. 3 will add six job families in the Maintenance Worker series and eliminate the generic title of Maintenance Worker I/II/III in the Operating Engineers Local Union No. 3 Non-Supervisory Contract, Appendix A. There is no impact to the general fund.

**5.6 Consideration and possible approval to add six (6) job families in the Maintenance Worker series and eliminate the generic titles of Maintenance Worker I/II/III in the Community Services Department; and make the appropriate classifications and personnel complement changes. (FOR POSSIBLE ACTION)**

An agenda item from Deputy City Manager for Community Services Neil Krutz recommending Council approve the addition of the newly created job family classifications of the Parks Maintenance Worker, Streets Maintenance Worker, Traffic Maintenance Worker, Utilities Maintenance Worker, Facilities Maintenance Worker and Community Appearance Maintenance Worker series and eliminate the generic positions of the Maintenance Worker I/II/III in the Community Services Department; and make the appropriate classifications and personnel complement changes. These changes are title changes only; there is no impact to the general fund.

**5.7 Consideration and possible approval to change the title in the Fleet & Facilities Division of the Community Services Department from Mechanic Lead to Crew Supervisor; and make the appropriate classifications and personnel complement changes. (FOR POSSIBLE ACTION)**

An agenda item from Deputy City Manager for Community Services Department Neil Krutz recommending Council approve to change the title in the Fleet and Facilities Division of the Community Services Department from Mechanic Lead to Crew Supervisor and make the appropriate classifications and personnel complement changes. This change will result in no financial impact as this is a title change only. There is no impact to the general fund.

6. **General Business**

6.1 **Consideration and possible approval of Resolution No. 3259 authorizing the execution and delivery of a First Supplemental Indenture by and between the City of Sparks and U.S. Bank as Trustee, relating to the City of Sparks Local Improvement District No. 3 (Legends at Sparks Marina) 2008 Limited Obligation Improvement Bonds, thereby creating an amendment to the original indenture allowing for the prepayment of special assessments on parcels within the Local Improvement District No. 3. (FOR POSSIBLE ACTION)** (Time: 2:34 p.m.)

An agenda item from Financial Services Director Jeff Cronk recommending Council approve Resolution No. 3259 authorizing the First Supplemental Indenture relating to the LID #3 2008 Limited Obligation Improvement Bonds. The Resolution would amend the Original Indenture to allow the Trustee to release the Secured Parcel Letter of Credit that was obtained by the Legends developer, relating to the Olympia parcel, once the special assessments securing the Limited Obligation Bonds levied against the Olympia parcel have been fully paid. The ability to release the Letter of Credit relating to the Olympia parcel upon prepayment of the special assessments levied on that parcel is not mentioned in the original indenture, and the proposed resolution is intended to cure that omission. There is no mention in the Original Indenture that the letter of credit relating to the Olympia parcel can be released upon prepayment of the special assessment. Therefore, approval of the resolution presented to Council today would authorize the creation of a Supplemental Indenture that would amend the Original Indenture and allow for the Letter of Credit to be released by the Trustee (i.e., U.S. Bank) upon payment of the special assessments securing the 2008 Limited Obligation Bonds. There is no impact to the general fund.

Financial Services Director Cronk said this resolution will authorize the city to enter into a supplemental indenture with US Bank to cure the oversight. The letter of credit will go away, as the debt will be paid off. When the trustee receives the money, the assessment would be considered paid in full.

A motion was made by Council Member Schmitt, seconded by Council Member Lawson, to approve Resolution No. 3259 authorizing the execution and delivery of a First Supplemental Indenture by and between the City of Sparks and U.S. Bank as Trustee relating to the City of Sparks Local Improvement District No. 3 2008 Limited Obligation Improvement Bonds. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Passed unanimously with those present.

6.2 **Consideration and possible approval of reimbursement to the City of Reno in the amount of \$656,009.44 for Sparks' share of a bid award to Geney/Gassiot, Inc. by the City of Reno for construction of the new Septage Receiving Facility at the Truckee Meadows Water Reclamation Facility (TMWRF). (FOR POSSIBLE ACTION)** (Time: 2:40 p.m.)

An agenda item from TMWRF Maintenance Manager Kim Laber recommending Council approve reimbursement to the City of Reno in the amount of up to \$656,009.44 for its share of a not to exceed \$2,091,200.00, including a \$275,000.00 force account, contract administered by the City of Reno with Geney/Gassiot Inc. to construct a new septage receiving facility at TMWRF. The current facility, constructed in 1983, has exceeded its anticipated service life and has deteriorated to the point that it is no longer capable of accepting septage. Due to the condition of the current facility, a temporary septage discharge station with limited treatment is



now being used to discharge septage to headworks. In addition, the current septage facility has been reconfigured to offload and handle the by-products of Hidden Valley Ranch. A new enclosed building will be constructed and the facility's life is expected to exceed 30 years. Funding from TMWRF Projects CIP and 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 Schmitt, approve reimbursement to the City of Reno for Sparks' share of the construction of a new septage receiving facility in the amount of \$656,009.44. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Passed unanimously with those present.

**6.3 Consideration and possible approval of reimbursement to the City of Reno in the amount of \$93,670.82 for Sparks' share of a contract awarded to Stantec Consulting Services, Inc. by the City of Reno for construction management of the new Septage Receiving Facility at the Truckee Meadows Water Reclamation Facility (TMWRF). (FOR POSSIBLE ACTION)** (Time: 2:45 p.m.)

An agenda item from TMWRF Maintenance Manager Kim Laber recommending Council approve Sparks' share of the contract between the City of Reno and Stantec Consulting Services, Inc. for \$298,600.00, with Sparks' share not to exceed \$93,670.82 for construction management services during the septage receiving project construction approved in agenda item 6.2. This project is in the adopted 5-year CIP for TMWRF.

A motion was made by Council Member Lawson, seconded by Council Member Schmitt, to approve reimbursement to the City of Reno for Sparks' share of the construction management services for a new septage receiving facility in the amount of \$93,670.82. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Passed unanimously with those present.

**6.4 Consideration and possible approval of a consulting agreement for Construction Management Services with Stantec Consulting Services, Inc. for the Truckee Meadows Water Reclamation Facility (TMWRF) Ameresco Energy Cost Savings Project in an amount not to exceed \$399,000, with the City of Sparks' portion being \$125,166.30. (FOR POSSIBLE ACTION)** (Time: 2:47 p.m.)

An agenda item from TMWRF Plant Manager Michael Drinkwater recommending Council approve the agreement for construction management services with Stantec Consulting Services, Inc. With the implementation of the Ameresco Project, there will be a reduction in electrical consumption and chemical use resulting in long term benefits to both cities. The Financial Grade Operational Audit was developed and prepared by Ameresco, Inc. The audit analyzed energy, water, chemical usage and operating cost savings measures and developed a performance project. The audit included the estimated savings to be accrued, the costs to implement the project, and the internal controls used to ensure that project performance is achieved. A project resulting from the Financial Grade Operational Audit will have the project savings and performance guaranteed by Ameresco, Inc., under NRS 332, for a period of up to 15 years. Mr. Drinkwater said the Reno City Council has approved this item. Funding will be from TMWRF Construction in the CIP.

Council Member Schmitt said he is concerned that this option will affect the return on investment originally presented to the Council in March 2014. Mr. Schmitt also commented about Ameresco monitoring their own work.

A motion was made by Council Member Ratti, seconded by Council Member Carrigan, to approve the construction management services with Stantec for the Performance Contract for Energy Cost Savings with Ameresco, Inc. for the Truckee Meadows Water Reclamation Facility and authorize the Mayor to sign the agreement. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Passed unanimously with those present.

**6.5 Consideration, discussion and possible approval for the award of a contract for the 4th Street Sewer Rehabilitation Project, Bid No. 13/14-019, PWP-WA-2014-165 to Reno Tahoe Construction, Inc., in the amount of \$301,607.70. (FOR POSSIBLE ACTION)** (Time: 2:51 p.m.)

An agenda item from Acting Capital Projects Manager Brian Cason recommending Council award the 4th Street Sewer Rehabilitation Project to Reno Tahoe Construction, Inc. This project will rehabilitate the existing sewer main with an internal pipe liner, replace deteriorated sewer manholes and replace service laterals to the adjoining properties. The existing 4th Street sewer main was constructed circa 1941 to serve what was then the northeasterly corner of the City and for anticipated future growth. This sewer main serves several subdivisions around present-day Sparks City Hall. Video inspection of this sewer main shows deterioration of the sewer main, however the line retains sufficient strength and shape to permit lining rather than replacement of the main line. Three bids were received, including one from California and one from Las Vegas. Funding comes from Sewer Capital Fund.

A motion was made by Council Member Lawson, seconded by Council Member Ratti, to approve the award of a contract for the 4th Street Sewer Rehabilitation Project, Bid No. 13/14-019 to Reno Tahoe Construction, Inc., in the amount of \$301,607.70. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Passed unanimously with those present.

**6.6 Consideration and possible adoption of the Final budget for the City of Sparks for fiscal year 2014-2015. (FOR POSSIBLE ACTION)** (Time: 2:54 p.m.)

An agenda item from Financial Services Director Jeff Cronk recommending Council adopt the final budget for fiscal year 2014-2015. In accordance with NRS 354.598, the Council must adopt a fiscal year 2014-2015 Final budget for the City of Sparks on or before June 1, 2014. The budget must be filed with the Department of Taxation in accordance with specific instructions for categorizing revenue and expenditures, and must be presented using prescribed filing forms and formats. The Financial Services Department believes the attached document fully complies with those requirements as established by the Department of Taxation. The Nevada Department of Taxation's required document will establish the final budget for fiscal year 2014-2015, and aligns with the City Manager's recommendations and Council adjustments as approved by City Council on April 14 and April 28, 2014.

A motion was made by Council Member Ratti, seconded by Council Member Lawson, to adopt the final budget for the City of Sparks, as presented today, for fiscal year 2014-2015. Council Members Ratti, Lawson, Carrigan, YES. Council Member Schmitt, NO. Council Member Smith, ABSENT. Motion carried 3-1.

**6.7 Consideration and Possible Approval of a Settlement. (FOR POSSIBLE ACTION)** (Time: 4:45 p.m.) (This item was heard after agenda item 9.1.)

An agenda item from City Attorney Chet Adams recommending Council authorize a settlement payment in the amount of \$49,999.00 to Ms. Terri Keyser-Cooper, Esq. and her client. The City received a claim from Ms. Terri Keyser-Cooper, Esq. on behalf of her client. The City's Risk Management Committee approved the settlement amount reached between the City Attorney and Ms. Keyser-Cooper. Pursuant to the negotiations and upon the recommendation of the City Attorney and Risk Management Committee, the City Council is now being asked to approve the settlement. There is an impact to the general fund in the amount of \$49,999.00.

A motion was made by Council Member Carrigan, seconded by Council Member Ratti, based upon the advice provided by the city's attorney, to approve the settlement of all claims presented by Ms. Terri Keyser-Cooper, Esq. for a total amount of \$49,999. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Passed unanimously with those present.

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

**7.1 Consideration and possible approval of the abandonment of an approximate 1,739 square foot parcel being a portion of Marietta Way as shown on MAP TO OFFER FOR DEDICATION THE EXTENSION OF MARIETTA DR., FREEPORT BLVD. & GREG ST. TO CITY OF SPARKS, NEVADA, Tract Map 847, filed as Document No. 393602 in the Office of the Washoe County Recorder, Washoe County, NV on September 6, 1963 situate within the northeast quarter of Section 17, Township 19 North, Range 20 East, M.D.M. (FOR POSSIBLE ACTION)** (Time: 2:57 p.m.)

An agenda item from Assistant Community Services Director John Martini recommending Council approve the abandonment of the approximate 1,739 square feet of Marietta Way right-of-way adjacent to APN: 034-112-43. The proposed abandonment will allow for the future expansion of the 1705 Marietta Way property. There is no impact to the general fund.

Public Hearing: There were no comments received during the Public Hearing.

A motion was made by Council Member Ratti, seconded by Council Member Schmitt, to approve the vacation of a portion of Marietta Way as outlined by staff. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Passed unanimously with those present.

**8. Planning and Zoning Public Hearings and Action Items**

**8.1 Second Reading, Public Hearing and possible discussion on Bill No. 2673, CA-4-14 - An ordinance amending Title 20 of the Sparks Municipal Code to provide zoning authorization (Section 20.41.080) for the establishment of medical marijuana dispensaries and other matters properly related thereto. (FOR POSSIBLE ACTION)** (Time: 3:01 p.m.)



An agenda item from Senior Planner Karen Melby and City Planner Armando Ornelas recommending Council approve Bill No. 2673, Ordinance No. 2492. In the year 2000, voters in Nevada passed Question 9, amending the state constitution to sanction medical cannabis (i.e. marijuana) and, specifically, to allow physicians to authorize qualified patients to consume and grow cannabis for personal use. In 2013, the Nevada legislature passed and Governor Sandoval signed into law SB 374, which directs the Nevada Department of Health and Human Services to develop regulations for, and oversee the creation of, licensed establishments to produce, test and dispense cannabis and cannabis-infused products to authorized patients for medical use.

One of the State requirements is that a location be identified in the application. In order for the medical marijuana establishment to receive the Nevada state registration certification, it must be in compliance with local government ordinances/rules and receive any required approvals from the local government. If a local government has not enacted zoning restrictions, the medical marijuana establishment is not required to secure approval from the local government. By enacting regulations on medical marijuana dispensaries, the city can review and have input on the location and operations. Ms. Melby said it is anticipated the State will begin to accept applications later this summer.

The City's proposed regulations require the medical marijuana dispensaries to comply with the Nevada regulations, including the separation criteria. A medical marijuana dispensary must be located 300 feet from community facilities and 1,000 feet from schools. In addition, the proposed code amendment adds a requirement that dispensaries must be located 1,000 feet from substance abuse treatment centers. Medical marijuana dispensaries will only be permitted with a major special use permit, complying with the separation regulations, in C-2 (General Commercial District), TOD (Transit Oriented District – Mixed Use Commercial) and in I (Industrial) in buildings fronting the arterials and measured 1000 feet from the center of the following intersections: McCarran Boulevard and Glendale Avenue; McCarran Boulevard and Greg Street; and, Rock Boulevard and Glendale Avenue. Section 20.91.010, the Industrial Use Table, permits medical marijuana dispensaries in our Industrial zoning district per the above discussed locational criteria. In the TOD (Transit Oriented District) zoning district, medical marijuana dispensaries would be permitted in Mixed Use Commercial (MUC).

Senior Planner Karen Melby said staff recommends medical marijuana dispensaries be reviewed through a Major Special Use Permit process. Staff believes neighbors will have a special interest about a dispensary in their location, and supports the process so neighbors will have an opportunity to speak for / against the location.

Ms. Melby said staff recommends removal of the word "stand alone" in Item I of the medical marijuana section leaving it to read "a building complying with the regulations of the state."

Ms. Melby also said staff is concerned about the typical closing of industrial area businesses at 6:00 pm and the potential for additional open hours necessary to maintain a medical marijuana dispensary. The police department recommended the medical marijuana facilities stay open until 7:00 pm. and the Planning Commission suggested increasing the 1,500 square feet public access to 2,500 square feet. These changes are included in this proposed ordinance.

Council Member Lawson asked if the Special Use Permit process would allow the city to deny a dispensary approved by the State. Staff replied it allows the city to amend or add conditions for

approval. It also allows for the public to comment on the use of the location. Mr. Lawson said he is concerned neighbors may make comments based on misinformation and he is not in favor of the Special Use Permit process. Mr. Lawson said if the application has met the qualifications and complies with the standards set by the city, it should be able to go forward. Mayor Martini said he believes the Special Use Permit is an unnecessary step. Council Member Schmitt expressed concern that the permit would be based on the individual applicant and not the business. Council Member Carrigan asked if public notice can be given to neighbors in the Administrative Review process and Mr. Ornelas said they can be notified but there would not be an option for a public hearing. Mr. Carrigan wants to ensure the city is business friendly. Police Chief Allen discussed the benefits of allowing citizens to present concerns that may be able to be rectified with conditions during the Special Use Permit process.

Council Member Ratti said the city's current practice is to require a Special Use Permit for any business may cause an impact to the neighborhood. Ms. Ratti said she believes in the public process and conditions that may be addressed during a public hearing. Ms. Ratti is against any option that would notify residents of a new business in their neighborhood but not give them an opportunity to be heard.

Mr. Ornelas said staff favors the Special Use Permit process because of the public hearing portion and that the city is not always aware of every issue that can come with a particular location use. He said the Special Use Permit process allows the neighbors to bring those items to the attention of the city before the location is verified. Mr. Ornelas said staff is working to be as close to state law as possible, with individuals and locations both taken into consideration on the permit.

The Public Hearing was opened at 1:40 p.m. and comment was received:

- Dorea Shoemaker of Health and Wellness Center and a dispensary applicant, requested the current distance from the intersection for dispensaries be expanded from 1,000 feet to 1,500 feet and that language in Section 1, Part B regarding the dispensary being readily visible from the arterial be changed.
- John Sutton, Managing Member of Health and Wellness, spoke in favor of co-located facilities, the benefits of a building identified outside of the 1,000 foot requirement, his dedication to safety, and a request for flexibility with the distance requirement. Mr. Sutton said he is asking for a concession because if the 1,000 foot rule remained, his proposed "bunker-type" building would be eliminated. He believes the security of the particular building should be a consideration.
- Rebecca Gasca of Pistil and Stigma commented on the possibility of allowing submittal of Special Use Permit applications prior to completion of the state's application and why it may not be the best option.
- Todd Vinger, Sparks resident and CEO for Forever Green Nevada thanked staff for preparing reasonable requirements for areas to place the facilities.
- Jason Patterson, President of Martin-Ross and Associates Security and Investigations commented on the work he is doing to prepare for security for dispensaries and what he has learned. He said his group has looked at the risks and prepared to manage and mitigate the inherent risks. Mr. Patterson said he visited Denver and observed very few issues there. He has seen regular retail sales, and the rush of customers contemplated is not present. Mr.

Patterson said he is in favor of a Special Use Permit for the two locations contemplated in Sparks.

- Terrell Fearrand, Director of Operations for Martin-Ross and Associates Security and Investigations commented on logically managing the process to make it safe and secure. He recommended the city concentrate on the specific location, as long as law enforcement is in favor, and questioned the why, if law enforcement is in favor, should the locations be limited to a strict “foot rule.” Mr. Fearrand supports using common sense to make the location decisions.

Public hearing was closed. Council and staff discussed concerns and options related to the proposed ordinance.

- Council Member Schmitt said he supports going forward with the elimination of the Special Use Permit.
- Council Member Ratti confirmed support for the Special Use Permit and said neighbors should have the opportunity to be heard about a specific location. Ms. Ratti said she is happy that Sparks Police Chief Allen has changed his mind and would like to know how / why there is a specific number of feet rule for zoning dispensaries.
- City Planner Armando Ornelas said initially the dispensary locations were suggested to be in the commercial districts rather than the industrial areas because retail should be accessible to the population of the City of Sparks and not necessarily considering tourists and other regional residents. Planning’s concern about the industrial area for the dispensaries was based on burying the dispensaries in the industrial area. Planning and Police drove the intersections and concluded they wanted the front doors visible from the arterials so police could patrol without having to get off the arterial. At 1,500 feet the properties that don’t front the arterial (more buried) will be included.
- Police Chief Brian Allen confirmed that a dispensary as a retail business is more difficult to patrol if it is buried within an industrial area.
- Council Member Carrigan said that because Chief Allen considered the options and changed his mind that he, too, will now support the Special Use Permit process. Mr. Carrigan asked if language could be adopted to indicate a specific amount of feet, or at the discretion of the police department. Mr. Ornelas said that was a possibility. City Attorney Chet Adams said whatever is decided should be legally defensible in court.
- Council Member Lawson said he is concerned with extending the location criteria; he was not in favor of the Special Use Permit; but he is on-board with operating hours extending to 7:00 p.m. instead of 6:00 p.m.
- City Planner Armando Ornelas said if Council does not want to subject dispensaries to the Special Use Permit process, the code passed last month may need to be amended to make the Administrative Review process applicable to dispensaries; staff would need to determine what changes would need made.
- City Planner Ornelas said the state would have to publish notice 45 days in advance of opening the 10 day application period. Mr. Ornelas does not know when that would be.

Mayor Martini suggested the Council move to item 9.1 and adjourn to a closed door session and then take action on Items 6.7 and 8.1 to allow staff the time to determine what other changes would be necessary if the Special Use Permit requirement was removed.

Mayor Martini called Council back to order at 4:45 p.m. and opened Item 6.7, consideration of approval of a settlement.

(Item 8.1 was re-opened at 4:47 p.m.)

City Planner Ornelas said if the desire is not to subject the dispensary to the Special Use Permit process, all necessary amendments can all be accomplished in this ordinance and at this time.

A motion was made by Council Member Schmitt, seconded by Council Member Lawson, to approve Bill No. 2673, Ordinance No. 2492 amending Chapter 20 of the Sparks Municipal Code to establish zoning authority for the establishment of medical marijuana dispensaries, removing the Special Use Permit requirement, eliminating the word “standalone” in section 20.41.080 I, and including an Administrative Review. Council Members Lawson, Schmitt, YES. Council Members Ratti, Carrigan, NO. Council Member Smith, ABSENT. Motion failed 2-2.

Discussion on the motion included:

- Council Member Carrigan questioned the distance requirement:
- Council Member Ratti asked what will work best for police: visibility from the arterials or a specific number of feet from the specified intersections.
- Police Chief Allen said the most important issue to police is ease of access to a specific area; it is important to have visibility from the arterial. He said he supports the Special Use Permit process because of the potential input from surrounding neighbors.
- Council Member Ratti asked if the Administrative Review process needed to be reinstated if the Special Use Permit process was eliminated. Mr. Ornelas recommends reinstating Administrative Review if the Special Use Permit process is not supported.
- Council Member Carrigan confirmed the time for dispensaries to remain open was changed from 6:00 p.m. to 7:00 p.m.

A motion was made by Council Member Ratti, seconded by Council Member Carrigan, to approve Bill No. 2673, Ordinance No. 2492 amending Chapter 20 of the Sparks Municipal Code to establish zoning authority for the establishment of medical marijuana dispensaries, eliminating the word “standalone” in section 20.41.080 I. Council Members Ratti, Carrigan, YES. Council Members Lawson, Schmitt, NO. Council Member Smith, ABSENT. Motion failed 2-2.

Mayor Martini encouraged the Council to move forward with approving a process. Council discussed any available options to allow public comments during the Administrative Review process. Chris Barrett suggested the review process is extensive; those who receive a license will be responsible business people and responsive to the community.

NOTE: Council Member Smith participated in the meeting via phone 5:04 p.m. to 5:06 p.m.

A motion was made by Council Member Lawson, seconded by Council Member Smith, to approve Bill No. 2673, Ordinance No. 2492 amending Chapter 20 of the Sparks Municipal Code to establish zoning authority for the establishment of medical marijuana dispensaries, removing the Special Use Permit requirement, including an Administrative Review, and eliminating the word “standalone” in section 20.41.080 I. Council Members Lawson, Smith, Schmitt, YES. Council Members Ratti, Carrigan, NO. Motion passed 3-2.

**9. Closed Door Sessions**

**9.1 Possible Motion to Adjourn to a Closed Door Session to receive information from the City Attorney regarding litigation involving a matter in which the Sparks City Council has supervision and control to settle. (NRS 241.015(B)(2)) (FOR POSSIBLE ACTION)** (Time: 4:25 p.m.)

An agenda item from City Attorney Chet Adams recommending Council adjourn to an attorney client closed door session in order to listen to our attorney's advice concerning a possible final settlement of a claim against the City. The City received a claim from Ms. Terri Keyser-Cooper, Esq. on behalf of her client. The City's Risk Management Committee approved the settlement amount reached between the City Attorney and Ms. Keyser-Cooper. Pursuant to the negotiations, and upon the recommendation of the City Attorney and Risk Management Committee, the City Council is now being asked to approve the settlement of the claim for \$49,999.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to adjourn to an attorney client closed door session in order to listen to our attorney's advice concerning a possible final settlement of this matter. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Passed unanimously with those present.

**10. Comments**

**10.1 Comments from the Public** (Time: 5:06 p.m.) – None

**10.2 Comments from City Council and City Manager** (Time: 5:06 p.m.)

City Manager Steve Driscoll announced that terms expire on 6/30/14 for the Civil Service Commission. The city seeks two (2) members, with 3-year terms each. Mr. Driscoll announced openings on the Parks and Recreation Commission, three (3) members, each with 3-year terms. Persons interested in serving on any of these committees may obtain an application from the Sparks City clerk's office, or on line at the city's web site at [www.cityofsparks.us](http://www.cityofsparks.us). Applications will be accepted until close of business on May 30, 2014.

**11. Adjournment** (Time: 5:07 p.m.)

Council was adjourned at 5:07 p.m.

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GENO R. MARTINI, Mayor

ATTEST:

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Teresa Gardner, City Clerk

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