



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, March 27, 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 Tem Ron Smith at 2:00 p.m.

2. Roll Call (Time: 2:01p.m.)

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

ABSENT: Mayor Geno Martini

3. Opening Ceremonies

3.1 Invocation Speaker (Time: 2:01 p.m.)

The invocation was provided by Pastor Pete Vossler, Crosswinds Assembly of God.

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

The Pledge of Allegiance was led by Council Member Donald Abbott.

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

An anonymous speaker, a survivor of domestic violence, said the municipal court is destroying child abuse evidence and legal procedures are being considered.

Steve Trollope of D'Andrea Rising said he is available to answer any questions concerning the situation described in agenda item 9.8 regarding D'Andrea.

5. Agenda (Time: 2:08 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 Dahir, seconded by Council Member Abbott, to move agenda items 11.1 and 11.2 after the consent items and approve the agenda as amended. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

6. Minutes (Time: 2:09 p.m.)

6.1 Consideration and possible approval of the minutes of the Sparks City Council Budget and CIP Workshop and regular Sparks City Council meeting of February 27, 2017 and the regular Sparks City Council meeting of March 13, 2017. (FOR POSSIBLE ACTION)

A motion was made by Council Member Bybee, seconded by Council Member Lawson, to approve the minutes of the Sparks City Council Budget and CIP Workshop of February 27, 2017 and regular Sparks City Council meetings of February 27, 2017 and March 13, 2017. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

7. Announcements, Presentations, Recognition Items and Items of Special Interest

7.1 None.

8. Consent Items (FOR POSSIBLE ACTION) (Time: 2:09 p.m.)

A motion was made by Council Member Lawson, seconded by Council Member Dahir, to approve the consent items 8.1 through 8.5 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 February 23, 2017 through March 8, 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 and possible acceptance of a Bureau of Justice Assistance (BJA) Fiscal Year 2016-17 Bulletproof Vest Partnership (BVP) grant award (AC-5350) in the amount of \$9,600. (FOR POSSIBLE ACTION)

An agenda item from Police Chief Brian Allen recommending Council accept a \$9,600 grant from the Bureau of Justice Assistance (BJA) Bulletproof Vest Partnership (BVP) Program for FY 2016-2017. The BVP Program reimburses 50% of the purchase cost for body armor purchased by the police department. The Sparks Police Department budgets and purchases body armor for all police officers when they are hired as well as on a 5-year replacement cycle. Budget exists in the general fund.

8.3 Consideration and possible approval of a contract (AC-5351) with the State of Nevada for wildland expenses and emergency incidents (flood) for the period of July 1, 2017-June 30, 2019 in the amount of \$20,000. (FOR POSSIBLE ACTION)

An agenda item from Division Chief Jim Reid recommending Council approve the proposed 2017-19 contract. The Sparks Fire Department maintains cooperative agreements with local, state, and federal fire agencies to provide resources to assist each other with emergencies that exceed the capabilities of a single agency. The current contract between the Sparks Fire Department and the State of Nevada is expiring on June 30, 2017. This new contract will be effective July 1, 2017. Budget exists in the general fund.

8.4 Consideration and possible approval of the 2017 Street Patching, Bid No. 16/17-015, PWP-WA-2017-124 contract (AC-5352) to Sierra Nevada Construction in the amount of \$157,800. (FOR POSSIBLE ACTION)

An agenda item from Transportation Manager Amber Sosa recommending Council approve the contract. The 2017 Street Patching Project will provide patching for known and unknown areas of failing roadway throughout the City of Sparks. The work under this contract will patch areas of asphalt failure at the direction provided by Community Services staff. The known areas of patching are to prepare the city for preventative maintenance activities while the unknown areas of patching are intended to be a proactive measure to address damage this heavy winter may have caused. Funding is from the road fund and capital improvements fund; there is no impact to the general fund.

8.5 Consideration and possible approval of a refund of building permit fees to First Tee Development, LLC for issued permit #SBLD16-23252 in the amount of \$8,386.07 (FOR POSSIBLE ACTION)

An agenda item from Development Services Manager Karen Melby recommending Council approve a partial refund on this permit. DF Altmann / First Tee Development, LLC applied for permit SBLD16-23252 to construct a new single family residence at 961 Marble Hills Circle and was assessed the standard impact and connection fees. After issuance of the new permit, it was determined that the Impact Fees for Service Area #1, the residential construction tax and the sewer connection had been previously paid at this address under permit #A0503392 in 2005. Funding is from the enterprise fund; there is no impact to the general fund.

HEARD AGENDA ITEMS 11.1 AND 11.2

9. General Business

9.1 Consideration and possible approval of the ratification of Truckee Meadows Water Reclamation Facility's recommendation for a joint appointment of Reno Councilman Paul McKenzie to the Western Regional Water Commission. The applicants in alphabetical order are: Paul McKenzie. (FOR POSSIBLE ACTION) (Time: 2/19 p.m.)

An agenda item from City Manager Steve Driscoll recommending Council ratify Truckee Meadows Water Reclamation Facility's recommendation for a joint appointment of Reno Councilman Paul McKenzie to the Western Regional Water Commission.

Pursuant to the Western Regional Water Commission Act (Chapter 531, Statutes of Nevada 2007, Sec. 25): "The owners of the Truckee Meadows Water Reclamation Facility or its successor shall jointly appoint one trustee for an initial term of two years." On March 14, 2016, the Sparks City Council appointed Mayor Geno Martini to the WRWC and the City of Reno appointed Councilman Paul McKenzie, creating a situation wherein there was no valid appointment to the committee. There is no impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Bybee, to ratify the Truckee Meadows Water Reclamation Facility's recommendation for joint appointment of Paul McKenzie to the Western Regional Water Commission for the remainder of the current term of April 1, 2016 through March 31, 2018. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.2 Consideration and possible ratification of Resolution No. 3310 declaring Termination of a Local Emergency, effective 5:00 P.M. on Friday, March 10, 2017. (FOR POSSIBLE ACTION) (Time: 2:21 p.m.)

An agenda item from City Manager Steve Driscoll recommending Council ratify Resolution No. 3310, a Resolution declaring the termination of Local State of Emergency. On February 9, 2017, the City Manager found that a major winter storm event would occur as forecasted by the National Weather Services. City emergency teams opened the Emergency Operations Center on February 9, 2017, and it was determined that a major event was imminent. The City Manager declared a state of emergency with the Mayor's concurrence and the State DEM was notified. The event was deemed to be within the control of normal protective services, personnel, equipment and facilities of and within the City of Sparks as of 5:00 P.M. on Friday, March 10, 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 Bybee, seconded by Council Member Dahir, to ratify Resolution No. 3310 declaring the termination of a local state of emergency. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.3 Consideration and possible adoption of Resolution No. 3312 to augment the FY17 budget in various funds to provide appropriations for capital projects approved, but not completed in FY16. (FOR POSSIBLE ACTION) (Time: 2:24 p.m.)

An agenda item from Budget Administrator Stacie Hemmerling recommending Council adopt the resolution. Certain capital projects were approved in prior year Capital Improvement Plans (CIP), but were not completed in FY16, and the budget authority lapsed. The FY17 budget will be augmented to re-appropriate those funds. Funding is from parks & recreation project fund, capital projects fund, drains capital fund, effluent operations fund, motor vehicle fund, and the sewer capital fund. Council asked about the reality of the projects being completed this fiscal year and City Manager Driscoll said once the funds are encumbered they will be connected to the project. There is no impact to the general fund.

A motion was made by Council Member Lawson, seconded by Council Member Dahir, to adopt Resolution No. 3312 to augment the FY17 Capital Projects Funds, Enterprise Fund and Internal Service Fund budgets. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.4 Consideration and possible award of the 2017 Curb, Gutter, Sidewalk and Pavement Rehabilitation Project, Bid No. 16/17-010, PWP-WA-2017-079 contract (AC-5353) to Spanish Springs Construction in the amount of \$637,444. (FOR POSSIBLE ACTION) (Time: 2:28 p.m.)

An agenda item from Capital Projects Coordinator Andy Echeita recommending Council approve the contract to Spanish Springs Construction. This rehabilitation project involves the complete replacement and rehabilitation of curb, gutter, sidewalk, driveway approaches, and asphalt on K Street, L Street, and M Street from Stanford Way to Probasco Way. The existing curb and gutter infrastructure has deteriorated over time and does not function as designed as flow of storm water runoff is restricted. Because the curb and gutter is to be completely removed and replaced, the adjacent sidewalk will also be replaced. In lieu of patching the pavement surface adjacent to the new curb and gutter, the street surface will be rehabilitated. The area to be rehabilitated is identified within the fiscal year 2017 CIP. Funding is from the road fund; there is no impact to the general fund.

A motion was made by Council Member Abbott, seconded by Council Member Bybee, to approve the 2017 Curb, Gutter, Sidewalk and Pavement Rehabilitation Project contract to Spanish Springs Construction in the amount of \$637,444. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.5 Consideration and possible approval of the 2017 Street Rehabilitation – Unit 3, Bid No. 16/17-014, PWP-WA-2017-108 contract (AC-5354) to Sierra Nevada Construction in the amount of \$1,309,007. (FOR POSSIBLE ACTION) (Time: 2:30 p.m.)

An agenda item from Transportation Manager Amber Sosa recommending Council approve the contract to Sierra Nevada Construction. The 2017 Street Rehabilitation –Unit 3 Project is part of the City’s Transportation System – Pavement Management Program.

The project was prioritized through the City’s Pavement Management System and outlined in the 5-year Program of Projects. The project to remove and replace as needed rundown curb & gutter, driveway approaches, sidewalk ramps and reconstruct the roadway with new asphalt on the streets identified and generally located at Richards Place, south of Prater Way and west of Rock Blvd, and south of Prater way and east of Pyramid Way. Funding is from the road fund, sanitary sewer operating fund, and the sanitary sewer capital project fund. There is no impact to the general fund.

A motion was made by Council Member Abbott, seconded by Council Member Dahir, to approve the 2017 Street Rehabilitation – Unit 3 contract to Sierra Nevada Construction in the amount of \$1,309,007. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.6 Consideration and possible rejection of all bids for flow monitoring services for the Truckee Meadows Water Reclamation Facility (FOR POSSIBLE ACTION) (Time: 2:32 p.m.)

An agenda item from Community Services Director John Martini recommending Council rejects all bids received for the flow monitoring services bid. The Truckee Meadows Water Reclamation Facility (TMWRF) utilizes a third-party contractor for monitoring the wastewater flow in the collection system to proportion the operational costs between the Cities of Reno and Sparks. The current contract has expired and services are being provided on a month-to-month basis. A competitive bid was held to secure a contract for service for a multi-year period.

The City of Sparks’ purchasing department held an open, competitive bid for the flow monitoring services. Two bidders, ADS Inc. and Utility Systems Science and Software, submitted bids. After bids were opened a challenge was made regarding language in the technical specification requiring ISO 9001 certifications. The specific language in question was reviewed by the Sparks’ City Attorney’s office and determined to be ambiguous. Each bidder interpreted the language to their own advantage and both readings were reasonable. Because the issue had a financial cost that could have affected the final bid price, the attorney’s office recommended that all bids be rejected. There is a current month-to-month contract in place; this may delay the contract for approximately 60 days. There is no impact to the general fund.

A motion was made by Council Member Lawson, seconded by Council Member Bybee, to reject all bids for the TMWRF Flow Monitoring Services. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.7 Presentation, discussion and possible direction to participate in development of the Integrated Source Water Protection Program (ISWP) with the Nevada Department of Environmental Protection (NDEP) (FOR POSSIBLE ACTION) (Time: 2:35 p.m.)

An agenda item from Development Services Manager Karen Melby recommending Council support and participate in the Integrated Source Water Protection Program ("ISWP Program") and issue a letter to Nevada Department of Environmental Protection (NDEP) for staff participation with NDEP and community representatives toward completion of the Truckee River Watershed Management Plan.

Ms. Melby introduced Kim Borgzinner and Birgit Henson who presented information on the ISWP Program which is a voluntary, county-wide approach designed to help develop and implement a plan that protects the quality of public drinking water supplies. To date, Source Water Protection Plans have been completed in 7 of Nevada's 17 counties. This plan will address the Truckee River and its watershed. The Western Regional Water Commission and the Truckee Meadows Water Authority have already endorsed this planning effort and have provided letters requesting the participation of local governments. There is no impact to the general fund.

Council discussed water quality issues, education, and private party water issues. Ms. Borgzinner said this is a voluntary program with implementation by the stakeholders. Council Member Dahir said the Health Committee and Truckee Meadows Water Authority are supporting this program.

A motion was made by Council Member Dahir, seconded by Council Member Lawson, to support and participate in the Integrated Source Water Protection Program ("ISWP Program") and issue a letter to Nevada Department of Environmental Protection (NDEP) for staff participation with NDEP and community representatives toward completion of the Truckee River Watershed Management Plan. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.8 Consideration and possible direction to the City Manager to petition the appropriate court for injunctive and declaratory relief and/or to abate the nuisance on the property at 2900 South D'Andrea Parkway (D'Andrea Golf Course Clubhouse) FOR POSSIBLE ACTION. (Time: 2:46 p.m.)

An agenda item from Planning Manager Jim Rundle recommending Council direct the City Manager to seek injunctive and declaratory relief and possibly direction to proceed with abatement and to what extent the nuisance should be abated. The former D'Andrea Golf Course Clubhouse burned in 2015 and was deemed a nuisance on January 20, 2017.

Council Member Bybee said the Nevada's Ethics in Government Law requires that she disclose for the record that Randi Thompson, who served as her campaign manager for her election to the Sparks City Council, is a partner in D'Andrea Rising, LLC, a neighborhood advocacy group that is working to purchase the D'Andrea development after being hired by the property's current owner to assist in evaluating redevelopment options for the neighborhood. Because her voting on this matter could impact the success or failure of that business venture and might be construed as being unduly influenced by her political relationship with Ms. Thompson or an unwarranted benefit conferred on her business as a result of their prior relationship, she reluctantly has been advised by legal counsel to abstain from voting on this issue.

Council Member Smith said the Nevada's Ethics in Government Law required he disclose for the record that he owns a home and lives in the D'Andrea development. However, under the law of this state, he may vote on the matter because any benefit or detriment that may accrue to him personally as a result of this agenda item is not greater than that which may accrue to all of the homeowners and residents of the D'Andrea community.

Public comment was received by D'Andrea board member Ray Rocha said he encouraged Council to give direction to the City Manager to clean up this area as soon as possible.

Two courtesy notices were sent to the property owner on January 24, 2017 identifying violations and requiring a plan for compliance to be coordinated with the city. Receiving no response from the property owner, city staff sent a third letter on February 7, 2017 by certified mail identifying the issues and corrective actions required at the former clubhouse site and a deadline for compliance of March 13, 2017. This letter also stated that if the violations were not corrected, the city could petition the appropriate court for injunctive relief, abate the nuisance, or both. The impact to the general fund would be dependent on the level of abatement.

Public comment was received by D'Andrea homeowners board of directors member and homeowner Joe Canali who said he has been talking to the city about code enforcement issues since the time the golf course closed in 2012 and asked why the city could not take this blighted area by eminent domain. Steve Trollope of D'Andrea Rising who said he is working on trying to close the purchase of this property and he will abate the nuisance once he owns the property.

Council discussed the risk, responsibility and liability associated with this property and the City of Sparks. Assistant City Attorney Alyson McCormick discussed the various liability for damages associated with partial abatement, the condition of the structure and awareness. Council also discussed the financial impact, special assessment, property liens, effect on the entire city, waiting for the injunction before deciding how to proceed with abatement. City Attorney Adams discussed the procedure to file for an injunction and risks associated with the property and recommended moving forward on this issue.

A motion was made by Council Member Lawson, seconded by Council Member Dahir, to direct the City Manager to petition the appropriate court for injunctive and declaratory relief to abate the nuisance at the D'Andrea Golf Course Clubhouse located at 2900 South D'Andrea Parkway and to bring the recommended next steps back to Council for approval. Council Members Abbott, Lawson, Smith, Dahir, YES. Council Member Bybee, ABSTAINED. The motion carried 4-0 with one abstention.

9.9 Self-Corrective Action by the Sparks City Council under the Open Meeting Law; Rescission of Prior Approval of a Draft Resolution. (FOR POSSIBLE ACTION) (Time: 3:30 p.m.)

An agenda item from Senior Assistant City Attorney Doug Thornley recommending Council rescind their electronic approval of the February 28, 2017 draft Resolution emailed to all Council Members by the City Attorney regarding a possible legislative bill which intended to unilaterally amend the Sparks City Charter without the benefit of either public input from Sparks' citizens or the Sparks Charter Committee. The City Attorney said it alleged that the Sparks City Charter would be amended to revoke Sparks' citizens right to vote for their non-partisan city attorney by changing the city attorney's position from elected to appointed.

On February 28, 2017, the Sparks City Attorney forwarded a draft resolution to all City Council Members via a group email. On March 1, 2017, three (3) City Council Members responded to the City Attorney indicating they supported the Mayor's draft resolution using the "reply all" email feature thereby disclosing their approval to their fellow Council Members. This agenda item takes corrective action on the matter. There is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Dahir, to move that the email approval of the February 28, 2017 draft of the proposed Mayor's Resolution presented be rescinded. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

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

10.1 None

11. Planning and Zoning Public Hearings and Action Items

11.1 Public hearing, consideration of and possible approval for Greenleaf Enterprises, Inc. to move a medical marijuana dispensary from an approved but not yet established location at 1825 Freeport Boulevard to a location at 1730 Glendale Avenue. (PCN17-0007) (FOR POSSIBLE ACTION) (Time: 2:10 p.m.)

An agenda item from Development Services Manager Karen Melby recommending Council approve the request from Greenleaf Enterprises, Inc. to relocate a medical marijuana dispensary.

Greenleaf Enterprises, Inc. has requested, in writing, that the Sparks City Council conduct a public hearing and approve a change of location for Greenleaf Enterprises, Inc. to operate a medical marijuana dispensary. Greenleaf is requesting to move the dispensary from a proposed location at 1825 Freeport Boulevard to 1730 Glendale Avenue. There is no impact to the general fund.

The Public Hearing was opened at 2:12 p.m.; no comments were received.

A motion was made by Council Member Lawson, seconded by Council Member Abbott, to approve the request from Greenleaf Enterprises, Inc. to relocate a medical marijuana dispensary from 1825 Freeport Boulevard to 1730 Glendale Avenue. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

11.2 Public hearing, consideration of and possible approval for NV Green, Inc. to move a medical marijuana cultivation facility from an approved but not yet established location at 1492 Linda Way to a location at 1475 Hymer Avenue. (PCN17-0008) (FOR POSSIBLE ACTION) (Time: 2:13 p.m.)

An agenda item from Development Services Manager Karen Melby recommending Council approve the request from NV Green, Inc. to relocate a medical marijuana cultivation facility.

NV Green, Inc. has requested, in writing, that the Sparks City Council conduct a public hearing and approve a change of location for NV Green, Inc. to operate a medical marijuana cultivation facility. NV Green is requesting to move the cultivation facility from a proposed location at 1492 Linda Way to 1475 Hymer Avenue. There is no impact to the general fund.

The Public Hearing was opened at 2:15 p.m. NV Green representative Eric Sjogren said their intent was to request to move both cultivation and production, which is what was approved at 1492 Linda Way. Ms. Melby said the application only included cultivation and was only processed for cultivation. The applicant will need to submit another application for production. Mr. Sjogren requested Council consider the cultivation at this time so he can start working on the cultivation facility and he will submit another application for production.

A motion was made by Council Member Abbott, seconded by Council Member Lawson, to approve the request from NV Green, Inc. to relocate a medical marijuana cultivation facility from 1492 Linda Way to 1475 Hymer Avenue. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

12. Comments

12.1 Comments from the Public (Time: 3:35 p.m.)

William Gilbert AKA Benjamin Warren Creveting IV spoke regarding watershed issues in the region.

12.2 Comments from City Council and City Manager (Time: 3:38 p.m.)

Council Member Bybee requested the City Manager consider adding additional liquor license categories that include options for only beer and wine or only wine if you not a restaurant or bar.

Mayor Pro Tem Ron Smith thanked Mr. Adam Mayberry for his 11 ½ years of service and the support and assistance he has given over the years. A thank you video was shown.

City Manager Steve Driscoll said Adam Mayberry served on the Reno Tahoe Airport Authority Board of Trustees and his resignation has created one vacancy for a term from present to June 30, 2019. Qualifications for this appointment include experience in the aviation, business or tourism industry; experience in finance or accounting; or other qualifications that the appointing authority determines necessary or appropriate for carrying out the duties of the board. Applications will be accepted until the close of business on Wednesday, March 29, 2017.

13. Adjournment

Council was adjourned at 3:56 p.m.

GENO R. MARTINI, Mayor

ATTEST:

Teresa Gardner, City Clerk

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