



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, September 24, 2018
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: 2:01 p.m.)

Mayor Pro Tem Ron Smith, Council Members Donald Abbott, Ed Lawson, Charlene Bybee, Kristopher Dahir, Acting City Manager Jeff Cronk, 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 Barb West, Sparks Church of the Nazarene.

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

The Pledge of Allegiance was led by Pastor Barb West, Sparks Church of the Nazarene.

4. Public Comment (Time: 2:03 p.m.)

Citizen Bill Wagner spoke regarding traffic issues outside Sparks jurisdiction and was instructed to contact NDOT.

Citizen Kirk Reinschmidt spoke in opposition of a potential ordinance change to allow the removal of front yard trees at Toscana at D'Andrea.

5. Agenda (Time: 2:06 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 pull agenda items 9.2 and 9.3 and approve the agenda as amended. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

6. Minutes

6.1 None

7. Announcements, Presentations, Recognition Items and Items of Special Interest
(Time: 2:07 p.m.)

7.1 City Manager announcement of vacancies on the Sparks Senior Citizens Advisory Committee (Time: 2:07 p.m.).

Acting City Manager Jeff Cronk announced the availability of appointments on the Sparks Senior Citizens Advisory Committee, which requires one member and one alternate from Wards 1-5, and two members and one alternate from the Mayor. Members shall be residents of the City of Sparks, preferably over the age of 55. Persons interested in serving on this Committee should complete a Community Service Application, available in the City Clerk's office, or apply online at www.cityofsparks.us. Applications will be accepted until the close of business on Friday, November 16, 2018.

7.2 Proclamation: "National Fallen Firefighters Memorial Service" Day (Time: 2:08 p.m.)

Council Member Donald Abbott read a proclamation to observe October 7, 2018 in recognition of the patriotic service and dedicated efforts of our fire and emergency services personnel by lowering American flags on all buildings to half-staff and to encourage appropriate services and ceremonies in which all of our citizens may participate to honor fire and emergency services personnel, past and present, who, by their faithful and loyal devotion to duties, have rendered invaluable service to our community and its citizens.

Fire Battalion Chief and Acting Fire Chief Jim Reid thanked the City of Sparks for the proclamation and invited the public to the Fire Department's 29th Annual Pancake Breakfast and which will be held at Fire Station 1, 1605 Victorian Avenue on Saturday, October 6, 2018 from 8:00 a.m. to noon.

7.3 Proclamation: "Fire Prevention Week" (Time: 2:13 p.m.)

Council Member Kristopher Dahir read a proclamation to observe October 7-13, 2018 as "Fire Prevention Week" and urging all people of the City of Sparks to be aware of their surroundings, look for available ways out in the event of a fire or other emergency, respond when the smoke alarm sounds by exiting the building immediately, and to support the many public safety activities and efforts of Sparks fire and emergency services during Fire Prevention Week 2018.

Assistant Fire Marshal Chris McCubbins thanked the City of Sparks for the proclamation and for supporting their events for the past 29 years. He stated there will be a 5k Fire Run before the pancake breakfast and announced a new addition to the events, a Junior Firefighter Challenge and obstacle course which will be open to children ages 6-12. Mr. McCubbins then presented the apron worn by the Mayor during the event for the last several years as a gift and a token of appreciation to Mayor Geno Martini.

7.4 Presentation: Reno Behavior Healthcare Hospital (Time: 2:18 p.m.)

Reno Behavioral Healthcare Hospital CEO Steve Shell along with Community Liaison Ginger Paulsen presented information on the new Reno Behavioral Healthcare Hospital, the first of its kind to be built in our community in more than 35 years. This 80,000 square foot, 124-bed, state-of-the-art facility opened in March 2018, and is designed to provide a quiet, peaceful, therapeutic

environment for patients. The hospital is currently operating at half-capacity and hopes to be fully operational by January 2019. They recently began serving adolescents ages 12-17 and will begin serving ages 5-11 soon. When fully operational, they will provide comprehensive inpatient and outpatient programs for psychiatric and addiction treatment to patients of all ages. Referrals are accepted, but not required. The hospital offers free walk-in assessments for community members 24 hours a day, 7 days a week. They accept Medicare, Medicaid and all major insurance plans.

Council thanked the hospital for coming to our community and expressed concern that even with a new facility, there is still a great need for additional mental health services in the area. Council Member Dahir asked if there are plans yet for future expansion. Mr. Shell stated that they are looking to expand services throughout the community, and that he would like to see a variety of outpatient programs and services offered as an extension of the hospital throughout Reno-Sparks as well as across the Northern Nevada area in the near future.

Council Member Bybee asked about average treatment lengths and if the hospital works collaboratively with other programs and local organizations such as Northern Nevada Hopes and NAMI. Mr. Shell said that average length of stay for inpatient treatment usually ranges from about 8 to 10 days, and around 2 to 4 weeks for outpatient treatment, but varies based on individual treatment plans. He also stated that the hospital does work collaboratively with other programs in the area and that he is very proud of the efforts made by various partners in the community who all came together to support the new hospital and help identify needs.

7.5 Presentation: 2017-2018 City of Sparks Annual Report and the 2017-2018 City of Sparks Environmental Scan (Time: 2:22 p.m.)

Senior Administrative Analyst Kathy Clewett presented the 2017-2018 Annual Report and the 2017-2018 City of Sparks Environmental Scan. This year, the Annual Report is dedicated to Mayor Geno Martini. It is a summary of the last fiscal year, including events, projects, capital improvements, staff updates, expenditures and revenue, as well as municipal elections.

8. Consent Items (FOR POSSIBLE ACTION) (Time: 2:30 p.m.)

A motion was made by Council Member Bybee, seconded by Council Member Abbott, to approve consent items 8.1 & 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 August 23, 2018- September 5, 2018. (FOR POSSIBLE ACTION)

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

8.2 Consideration and possible acceptance of a 2017 Justice Assistance Grant (JAG) in the amount of \$26,234. (FOR POSSIBLE ACTION)

An agenda item from Police Chief Brian Allen recommending Council accept the \$26,234 grant from the U.S. Department of Justice, 2017 Justice Assistance Grant (JAG) Program to be used toward law enforcement training, equipment, and personnel overtime expenses. There is no impact to the general fund.

9. General Business

9.1 Consideration and possible approval of payment of the annual support to the Economic Development Authority of Western Nevada (EDAWN) for Fiscal Year 2018-2019 an amount not to exceed \$100,000. (FOR POSSIBLE ACTION) (Time: 2:31 p.m.)

An agenda item from City Manager Stephen Driscoll, presented by Acting City Manager Jeff Cronk, recommending Council authorize the payment for annual support from the City of Sparks to the Economic Development Authority of Western Nevada (EDAWN) for Fiscal Year 2018-2019 in the amount of \$100,000. In the annual budget process the City of Sparks Council allocates monies for the support of various governmental and quazi-governmental agencies. The Economic Development Authority of Western Nevada (EDAWN) is the partnering agency providing economic development support to the city and the region. In the City of Sparks Fiscal Year 2018-2019 Final Budget, a \$100,000 allocation in support of EDAWN was approved by the Council on April 23, 2018 as part of the FY19 City Manager's Budget Recommendations (Agenda Item 9.4) in the general fund.

The City has received an invoice from EDAWN for the Fiscal Year 2018-2019 annual support payment in the amount of \$100,000.

A motion was made by Council Member Bybee, seconded by Council Member Lawson, to approve payment for the City's annual support of EDAWN for Fiscal Year 2018-2019 in the amount of \$100,000. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.2 Consideration and possible approval of Amendment No. 2 to the Financial Incentive Agreement between the City of Sparks and Syufy Enterprises to extend the theater completion and termination dates. (FOR POSSIBLE ACTION)

Pulled from the agenda.

9.3 Consideration and possible approval of Amendment No. 2 to the Parking Agreement between the Sparks Redevelopment Agency, the City of Sparks and Syufy Enterprises to extend the theater completion and termination dates. (FOR POSSIBLE ACTION)

Pulled from the agenda.

9.4 Consideration, discussion and possible authorization for the City Attorney's Office to take any and all legal action in regards to the Limebike Franchise Agreement up to and including remedies under the franchise agreement and seeking injunctive relief. (FOR POSSIBLE ACTION) (Time: 2:32 p.m.)

An agenda item from City Manager Stephen Driscoll, presented by Chief Assistant City Attorney Shirle Eiting and Transportation Manager Amber Sosa, recommending Council authorize the City Attorney's Office to take appropriate legal action regarding Limebike's deployment of electric scooters and the Limebike Franchise Agreement.

On September 10, 2018, Limebike (also known as Lime) appeared before Council and made a presentation at which time they failed to inform Council of a specific deployment date for the electric scooters. Further, Limebike representatives informed the City that they would work with staff to resolve concerns about State licensing and registration issues as well as safety protocols and geofencing capabilities. The City of Sparks received no further communication from Limebike

until September 18, 2018, when their electric scooter program was launched with less than 12 hours notice to local government agencies and without responding to or resolving concerns about State law compliance or geofencing.

Ms. Eiting stated that the Franchise Agreement is set to end on January 31, 2019, and Council could direct the City Attorney's office to prepare a franchise termination letter for the City Manager's signature, making it coterminous with the end date of the agreement. Council could also elect to exercise the termination clause within the agreement which allows either party to terminate with 90 days' notice. A Cease and Desist letter is no longer necessary as the scooters were pulled by Lime within 24 hours of their initial launch. Council may also elect to take additional legal action by seeking injunctive relief against Lime.

There is no impact to the general fund.

Council Member Lawson commented that Lime's communication cut-off and lack of response to the City's questions and safety concerns was disturbing. He stated that there are other bikeshare programs out there who want to do business with the City of Sparks if Lime does not. He suggested Council allow Lime's franchise agreement to expire in January 2019 and advise them that Sparks will not be renewing with them.

Council Member Dahir said he hoped Limebike would follow the law over the remaining months of their contract. He said that some citizens have approached him with concerns that Council might be overreacting about the safety of the scooters, but he responded that the safety of Sparks residents is not to be taken lightly. He further stated that the noncommunication from Lime is almost more concerning than the launch of the scooters themselves.

Council Member Bybee expressed regret that the successful bikeshare program enjoyed and utilized by many community members will have to end in January because of Limebike's noncompliance with the scooter launch. She stated that she agreed with Council Member Lawson on allowing the franchise agreement to expire in January 2019 and said that she would probably not support reconsideration given what has transpired during Lime's pilot program.

A motion was made by Council Member Lawson, seconded by Council Member Abbott, to authorize the City Attorney's Office to prepare a letter for the City Manager's signature stating that the franchise agreement will not be renewed at the end of the pilot program.

Council Member Abbott commented that he and other community members have enjoyed the bikes and hoped other vendors would be available to meet the demand when the Lime contract ends.

City Attorney Chet Adams stated that his office would be looking at a regulatory plan to amend Sparks ordinances to better address Council's concerns related to scooters. He explained that if the City of Sparks were to consider another bikeshare program, another franchise agreement could help us avoid equipment pickup issues with multiple companies.

Council Member and Mayor Pro Tem Smith asked if Lime would still be able to launch scooters in the future if Council moves forward with an authorization for the City Attorney's Office to send a letter stating that the franchise agreement will not be renewed.

Assistant City Attorney Eiting explained that based upon existing agreement, if Lime were to meet the City's safety requirements and implement the protocols that were outlined such as geofencing, as well as meet the requirements of the Nevada Revised Statutes, they could still deploy scooters within the City of Sparks during the remainder of their agreement.

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 and possible approval to submit the Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 3, Fiscal Year 2017-18 for the City of Sparks to the U.S. Department of Housing and Urban Development (HUD) (FOR POSSIBLE ACTION) (Time: 2:46 p.m.)

An agenda item from Housing Specialist George Graham recommending Council approve submission of the CAPER for Program Year (PY) 3, Fiscal Year (FY) 2017-18 to the U.S. Department of Housing and Urban Development. The Consolidated Annual Performance and Evaluation Report is a report on how the City of Sparks, along with the Washoe County HOME Consortium [City of Reno, City of Sparks and Washoe County], expended HUD funding (Community Development Block Grant, Home Partnership Program) and the jurisdictions' community development and affordable housing activities during Program Year 3, Fiscal Year 2017-2018. There is no impact to the general fund.

Council thanked Mr. Graham and the City for the assistance provided to 18 families in need. Council Member Abbott stated that one of the families who had received assistance had been very vocal about their gratitude and had nothing but good things to say about the program and Mr. Graham.

The Public Hearing was opened at 2:52 p.m.; no comments were received.

A motion was made by Council Member Dahir, seconded by Council Member Abbott, to approve submittal of the Consolidated Annual Performance and Evaluation Report for Program Year 3, Fiscal Year 2017-2018 for the City of Sparks to the U.S. Department of Housing and Urban Development. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

12. Comments

12.1 Comments from the Public (Time: 2:53 p.m.) - None

12.2 Comments from City Council and City Manager (Time: 2:53 p.m.)

Mayor Pro Tem Smith commented that the Mayor's Cup will be held on October 19, 2018 at 10:00 a.m. at Red Hawk Golf Course.

Council Member Bybee invited the public to come down to the newly remodeled movie theater in downtown Sparks at Victorian Square and mentioned that the parking garage is open.

13. Adjournment

Council was adjourned at 2:54 p.m.

GENO R. MARTINI, Mayor

ATTEST:

Teresa Gardner, City Clerk

>>>

DRAFT