



MAYOR  
Ron Smith

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

CITY ATTORNEY  
Chet Adams

CITY MANAGER  
Neil Krutz

**REGULAR CITY COUNCIL MEETING MINUTES  
2:00 P.M., Monday, January 13, 2020**

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

**1. Call to Order**

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

**2. Roll Call**

Mayor Ron Smith, Council Members Donald Abbott, Ed Lawson, Paul Anderson, Charlene Bybee, Kristopher Dahir, City Manager Neil Krutz, City Attorney Chet Adams and City Clerk Lisa Hunderman, PRESENT.

**3. Opening Ceremonies**

**3.1 Invocation Speaker**

The invocation was provided by Rajan Zed of the University Society of Hinduism.

**3.2 Pledge of Allegiance**

The Pledge of Allegiance was led by Council Member Lawson.

**4. Public Comment**

The following residents spoke about defensible space and the dangers of fire around their property in Vintage Hills subdivision: Jim Morman, Sue Trimmer, William Stewart. They also discussed the condition of the Orr ditch that leads through the subdivision. Many complaints have been made to the operators of the ditch, but it has yet to be cleaned out. Residents were referred to City Manager Krutz.

John Wankum a member of the Citizens Climate Lobby spoke in regard to climate change and requested City Council take action in support of reducing climate change.

Students from Lincoln Park Elementary School spoke in favor of new playground equipment at Poulakidas Park. Mrs. Toni Lix introduced Emily, Mia, Mia, and George.

**5. Agenda**

**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.

**Motion:** Move to approve the agenda as submitted.

**Moved by:** Council Member Dahir  
**Seconded by:** Council Member Abbot  
**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir  
**No:** None  
**Abstain:** None  
**Vote:** Motion passed unanimously, 5-0.

**6. Minutes**

**6.1 Consideration and possible approval of the minutes of the Sparks City Council meeting for December 9, 2019.**

**Motion:** Move to approve the minutes for the Sparks City Council meeting for December 9, 2019.

**Moved by:** Council Member Anderson

**Seconded by:** Council Member Dahir

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**7. Announcements, Presentations, Recognition Items and Items of Special Interest**  
None.

**8. Consent Items (FOR POSSIBLE ACTION)**

**Motion:** Move to approve consent items 8.1 and 8.2 as submitted

**Moved by:** Council Member Bybee

**Seconded by:** Council Member Anderson

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**8.1 Consideration and possible acceptance of grants and/or donations received by the city in the third quarter of 2019 that amount to less than \$5,000 each. (FOR POSSIBLE ACTION)**

An agenda item from Chief Financial Officer Jeff Cronk requesting acceptance of grants and/or donations received by the city in the third quarter of 2019.

**8.2 Consideration and possible acceptance of the report of the claims and bills approved for payment and appropriation transfers for the period of November 22, 2019 through December 27, 2019. (FOR POSSIBLE ACTION)**

An agenda item from Chief Financial Officer Jeff Cronk requesting approval of the report of claims and bills approved for payment and the appropriation transfers for the period of November 22, 2019 through December 27, 2019 as presented by staff.

**9. General Business**

**9.1 Consideration, discussion and possible approval of the Mayor's recommendation of two appointments to the Arts and Culture Advisory Committee for two-year terms, from the following pool of applicants, listed in alphabetical order: Hawley Carlson; Debbi Engebritson; Meghan Meagher; Nicole Miller; Anthony Ortega; David Sousa; and Sara Toney. (FOR POSSIBLE ACTION)**

An agenda item from City Manager Neil Krutz requesting Council approval of appointments to the Arts and Culture Advisory Committee for two positions, one visual arts and one performing arts background, for two-year terms ending November 6, 2021. Mayor Smith recommends Ms. Toney for the performing arts background position and Ms. Engebritson for the visual arts position.

**Motion:** Move to approve the Mayor's appointment of Sara Toney and Debbi Engebritson to the Arts and Culture Advisory Committee for two, two-year terms expiring November 6, 2021.

**Moved by:** Council Member Lawson

**Seconded by:** Council Member Dahir

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.2 Consideration and possible acceptance of a Firehouse Subs Grant in the amount of \$34,140 to purchase three (3) sets of Holmatro battery powered extrication tools. (FOR POSSIBLE ACTION)**

An agenda item from Fire Chief Jim Reid requesting Council approve a grant from Firehouse Subs for the purchase of three sets of Holmatro battery powered extrication tools. The constantly changing materials that make vehicles safer also makes them harder for the fire department to disassemble when needed. The acquired tools will be able to cut through the newest of metals being put into vehicles and will free up space on the engines. The tools will be placed on the engines that respond out of Station 2, Station 3, and Station 4.

Sparks Firehouse Subs franchise owner Damon Kreizenbeck provided information about Firehouse Subs Public Safety Foundation, which has given away more than \$48 million since 2005. Chief Reid provided a demonstration of the new tool and talked about the space saving new technology.

**Motion:** Move to accept the \$34,140 grant from Firehouse Subs.

**Moved by:** Council Member Abbott

**Seconded by:** Council Member Anderson

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0

**9.3 Consideration, discussion, and possible approval of the 2020 Street Rehabilitation – Unit 1, Bid No. 19/20-003, PWP-WA-2020-054 construction contract (AC-5636) with Sierra Nevada Construction in the amount of \$1,481,007. (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and presented by Transportation Manager Amber Sosa requesting Council approve the construction contract (AC-5636) with Sierra Nevada Construction in the amount of \$1,481,007 for the 2020 Street Rehabilitation Unit 1 project. The project involves removing and replacing deteriorated curb gutter, sidewalk, and driveway approaches along with constructing new pedestrian ramps and reconstructing the roadway with new asphalt.

The project was advertised in October and bid in November. We received six (6) qualified bids with Sierra Nevada Construction being the lowest. The project will begin in the Spring.

**Motion:** Move to approve the 2020 Street Rehabilitation – Unit 1 Project construction contract (AC-5636) with Sierra Nevada Construction in the amount of \$1,481,007.

**Moved by:** Council Member Lawson

**Seconded by:** Council Member Bybee

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.4 Consideration, discussion, and possible approval of the 2020 Street Rehabilitation – Combined Unit 3, Bid No. 19/20-007, PWP-WA-2020-066 construction contract (AC-5639) with West Coast Paving in the amount of \$696,243, and approve a Resolution (R-3355) to augment the FY20 budget in the Sewer Enterprise Fund by \$183,869 for the Queen Way Storm Drain portion of the project. (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and presented by Transportation Manager Amber Sosa requesting Council approve the construction contract (AC-5639) with West Coast Paving along with a budget augmentation for the Queen Way Storm Drain Project. The project involves removing and replacing deteriorating curb gutter, sidewalk, and driveway approaches along with constructing new pedestrian ramps and reconstructing the roadway with new asphalt. As the Queen Way storm drain project was not included in the Fiscal Year 20 Capital Improvements Plan, an augmentation of \$183,869 to the Sewer Enterprise Fund is required.

The project was advertised on November 6<sup>th</sup> and was bid on November 21<sup>st</sup>. We received six (6) qualified bids with West Coast Paving being the lowest.

**Motion:** Move to adopt Resolution No. 3355 to augment the FY20 budget in the Sewer Enterprise Fund by \$183,869 for a portion of the Queen Way Storm Drain Project.

**Moved by:** Council Member Anderson

**Seconded by:** Council Member Lawson

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**Motion:** Move to approve the 2020 Street Rehabilitation – Combined Unit 3 construction contract (AC-5639) with West Coast Paving in the amount of \$696,243.

**Moved by:** Council Member Anderson

**Seconded by:** Council Member Lawson

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.5 Consideration, discussion, and possible approval of the 2020 PCC Alley Project - Bid No. 19/20-079 construction contract (AC-5633) with Spanish Springs Construction in the amount of \$118,444.00 (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and presented by Transportation Manager Amber Sosa requesting Council approve construction contract (AC-5633) with Spanish Springs Construction in the amount of \$118,444.00 for the 2020 PCC Alley Project. The project involves removing and replacing a deteriorating asphalt alleyway with a Portland cement concrete alleyway surface.

The project was advertised in November and bid in December. We received nine (9) qualified bids with Spanish Springs Construction being the lowest.

**Motion:** Move to approve the 2020 PCC Alley Project construction contract (AC-5633) with Spanish Springs Construction in the amount of \$118,444.00.

**Moved by:** Council Member Abbott

**Seconded by:** Council Member Dahir

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.6 Consideration, discussion, and possible approval of an Interlocal Cooperative Agreement (AC-5641) with the Regional Transportation Commission (RTC) of Washoe County for the Signal Timing 6 Project. (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and presented by Transportation Manager Amber Sosa requesting Council approve Interlocal Cooperative Agreement (AC-5641) with the Regional Transportation Commission (RTC) of Washoe County for the Signal Timing 6 Project. The project has the objective to alleviate travel times, delays, and increase capacity due to the changing traffic demands for the Reno/Sparks region. The ICA will allow the City of Sparks staff to assist the RTC in implementing new signal timing on a reimbursement basis.

**Motion:** Move to approve the Interlocal Cooperative Agreement (AC-5641) with the Regional Transportation Commission for the Signal Timing 6 Project.

**Moved by:** Council Member Dahir

**Seconded by:** Council Member Bybee

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.7 Consideration, discussion, and possible approval of a Regional Road Impact Fee Offset Agreement (AC-5642) with KM2 Development Inc. for the offset eligible improvements related to the construction of Wingfield Hills Road through Kiley Ranch North Planned Development. (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and presented by City Engineer Jon Ericson requesting Council approve a Regional Road Impact Fee (RRIF) Offset Agreement (AC-5642) with KM2 Development Inc. This agreement will allow the Regional Transportation Commission (RTC) to issue RRIF waivers in the estimated amount of \$2,060,000 for the eligible roadway improvements constructed with the Wingfield Hills Road improvements, a new four (4) lane arterial roadway. The waivers can be used to offset cash payment of future RTC RRIF's associated within future building permit applications with the Kiley Ranch North Planned Development.

Council asked when the road would be open to the public. Mr. Ericson stated the section of road through Pioneer Meadows subdivision has landscape and median work that needs to be completed. Once that work is completed the road will be opened sometime in the first quarter of 2020, weather permitting.

**Motion:** Move to approve the Regional Road Impact Fee Offset Agreement (AC-5642) with KM2 Development Inc. for the offset eligible improvements related to the construction of Wingfield Hills Road through Kiley Ranch North Planned Development.

**Moved by:** Council Member Dahir  
**Seconded by:** Council Member Bybee  
**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir  
**No:** None  
**Abstain:** None  
**Vote:** Motion passed unanimously, 5-0.

**9.8 Consideration, discussion, and possible approval of a Regional Road Impact Fee Offset Agreement (AC-5643) with Lennar Reno, LLC for the offset eligible improvements related to the construction of Wingfield Hills Road through Pioneer Meadows Planned Development. (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and presented by City Engineer Jon Ericson requesting Council approve Regional Road Impact Fee Offset Agreement (AC-5643) with Lennar Reno, LLC. This agreement will allow the Regional Transportation Commission (RTC) to issue RRIF waivers in the estimated amount of \$1,540,120 for the eligible roadway improvements constructed with the Wingfield Hills Road improvements, a new 4 lane arterial roadway. The waivers can be used to offset cash payment of future RTC RRIF's associated within future building permit applications with the Pioneer Meadows Planned Development.

**Motion:** Move to approve the Regional Road Impact Fee Offset Agreement (AC-5643) with Lennar Reno, LLC for the offset eligible improvements related to the construction of Wingfield Hills Road through Pioneer Meadows Planned Development.

**Moved by:** Council Member Dahir  
**Seconded by:** Council Member Lawson  
**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir  
**No:** None  
**Abstain:** None  
**Vote:** Motion passed unanimously, 5-0.

**9.9 Consideration, discussion and possible approval of the Victorian Square Infrastructure-Phase 2B Project, Bid No. 19/20-011, PWP #WA-2020-076 construction contract (AC-5638) with Anchor Concrete in the amount of \$315,625. (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and presented by Capital Projects Manager Brian Cason requesting Council approve construction contract (AC-5638) with Anchor Concrete in the amount of \$315,625 for the Victorian Square Infrastructure-Phase 2B Project. This project consists of the removal of existing trees and tree planters; removal and replacement of existing pavers, sidewalk, curb, gutter, and catch-basins; irrigation and electrical improvements; and abandonment and relocation of an existing bus stop.

**Motion:** Move to approve the construction contract (AC-5638) for the Victorian Square Infrastructure-Phase 2B Project with Anchor Concrete in the amount of \$315,625.

**Moved by:** Council Member Lawson

**Seconded by:** Council Member Abbott  
**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir  
**No:** None  
**Abstain:** None  
**Vote:** Motion passed unanimously, 5-0.

**9.10 Consideration, discussion, and possible approval of the Maintenance Garage East Parking Lot Reconstruction – Phase 2 Project, Bid No. 19/20-017, PWP #WA-2020-093 construction contract (AC-5634) with Spanish Springs Construction, Inc. in the amount of \$142,444. (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and presented by Capital Projects Manager Brian Cason requesting Council approve construction contract (AC-5634) with Spanish Springs Construction, Inc. in the amount of \$142,444 for the Maintenance Garage East Parking Lot Reconstruction – Phase 2 Project. The Sparks Maintenance Yard has been used for administration, storage and maintenance of the City’s public works equipment and staff since 1966. The constant wear and tear of heavy equipment has deteriorated this portion of the parking lot on the east side of the City’s Maintenance Garage to a point that routine preventative maintenance is no longer a viable option. The continual increase in maintenance costs is justification for replacement.

**Motion:** Move to approve the construction contract (AC-5634) for the Maintenance Garage East Parking Lot Reconstruction – Phase 2 with Spanish Springs Construction, Inc. in the amount of \$142,444.

**Moved by:** Council Member Abbott

**Seconded by:** Council Member Bybee

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.11 Consideration, discussion, and possible approval of the Police Department HVAC Upgrade Phase 1 Project Bid No. 19/20-008, PWP #WA-2020-073 construction contract (AC-5640) with Mesa Energy Systems dba Emcor Services Nevada in the amount of \$494,947. (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and presented by Capital Projects Manager Brian Cason requesting Council approve construction contract (AC-5640) with Mesa Energy Systems dba Emcor Services Nevada in the amount of \$494,947 for Police Department HVAC Upgrade Phase 1 Project. This project is the first phase of HVAC upgrades to the Sparks Police Department building. The upgrades in this phase include the replacement of high maintenance fan coil units with new variable air units that provide the facility with improved control and efficiency. A new Liebert HVAC Unit will also be installed in the Computer Server Room to ensure the protection of Police Department electronic data.



Council asked why the project appeared to be over-budget. Mr. Cason explained the project was budgeted over two (2) fiscal years and paid out of separate programs, so the project is not over-budget. Council also inquired about the ability of the new system to accommodate an expansion at the Police Department if the HVAC upgrade is approved. Mr. Cason explained the new system will be sufficient for building expansion.

**Motion:** Move to approve construction contract (AC-5640) for the Police Department HVAC Upgrade Phase 1 Project with Mesa Energy Systems dba Emcor Services Nevada in the amount of \$494,947.

**Moved by:** Council Member Anderson

**Seconded by:** Council Member Dahir

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.12 Consideration, discussion, and possible approval of a construction contract (AC-5637) for the Pah Rah Playground Surface Improvement Project - Bid # 19/20-010 PWP # WA-2020-075 with Garden Shop Nursery Landscaping Division in the amount of \$357,393.56. (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and presented by Parks Development Coordinator Christopher Cobb requesting Council approve construction contract (AC-5637) with Garden Shop Nursery Landscaping Division in the amount of \$357,393.56 for the Pah Rah Playground Surface Improvement Project. Completion of this project will remove the existing synthetic turf playground surface system at the Pah Rah All Abilities Playground, upgrade the underground drain system, install miscellaneous concrete, and install new 2'x 2' playground tiles.

Mr. Cobb explained the project is overbudget because the parameters of the project changed since the original design. After further review of the project additional funding is needed because staff discovered the drainage system underneath the turf was insufficient and needed to be replaced. The critical fall height was changed from eight to ten feet, requiring additional padding underneath the turf as well. Additionally, because of the location of the playground, maintenance vehicles must travel through the park to reach the equipment. Lighter vehicles and equipment are used to transport materials to the site, which means smaller loads and more trips. The additional funding will come from the Park District Annual Fund and from the Capital Improvement Project Fund, which was initially dedicated for a dog park.

**Motion:** Move to approve the construction contract (AC-5637) for the Pah Rah Playground Surface Improvement Project with Garden Shop Nursery Landscaping Division in the amount of \$357,393.56.

**Moved by:** Council Member Bybee

**Seconded by:** Council Member Anderson

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None  
**Abstain:** None  
**Vote:** Motion passed unanimously, 5-0.

**9.13 Consideration, discussion, and possible approval of an expenditure of \$82,527.86 to purchase play equipment for Poulakidas Park Playground Improvements from BCI Burke Company, LLC (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and presented by Parks Development Coordinator Christopher Cobb requesting Council approve expenditure of \$82,527.86 to purchase play equipment for Poulakidas Park Playground Improvements from BCI Burke Company, LLC. The equipment purchase will be utilizing a joinder provision with National Intergovernmental Purchasing Alliance. The existing play structure is intended for children ranging in age from 5 to 12 years old, is made of wood, outdated and in need of replacement. This agenda item is for the purchase of play equipment that will replace the existing play structure, while adding a new play structure for children ranging in age from 2 to 5 along with a new saucer/disc swing. This equipment will be installed by a contractor under a separate contract.

**Motion:** Move to approve the purchase of play equipment for Poulakidas Park Playground Improvements from BCI Burke Company LLC., in the amount of \$82,527.86.

**Moved by:** Council Member Abbott

**Seconded by:** Council Member Bybee

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.14 Consideration, discussion, and possible approval of a construction contract (AC-5635) for the Poulakidas Park Playground Improvement Project Base Bid and Alternate - Bid # 19/20-074 PWP # WA-2020-074 with Garden Shop Nursery Landscaping Division in the amount of \$94,484.25. (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and presented by Parks Development Coordinator Christopher Cobb requesting Council approve construction contract (AC-5635) with Garden Shop Nursery Landscaping Division in the amount of \$94,484.25 for the Poulakidas Park Playground Improvement Project. The base bid will include the removal of the existing wood play structure, installation of two new metal play structures for children ages 2 to 5 and 5 to 12, drainage upgrades, and bark play surface. The alternate bid item is for the removal of the existing lap belt swing and replacement with a single saucer/disc-like swing that allows for all ages and abilities to enjoy.

**Motion:** Move to approve the construction contract (AC-5635) for the Poulakidas Park Playground Improvement Project with Garden Shop Nursery Landscaping Division in the amount of \$94,484.25.

**Moved by:** Council Member Abbott  
**Seconded by:** Council Member Anderson  
**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir  
**No:** None  
**Abstain:** None  
**Vote:** Motion passed unanimously, 5-0.

**9.15 Consideration, discussion, and possible delegation of authority to the City Manager to make decisions regarding litigation currently pending as *Brizuela v. City of Sparks*, Case No. 3:19-cv-00692-MMD-WGC. (FOR POSSIBLE ACTION)**

An agenda item from City Attorney Chet Adams and presented by Assistant City Attorney Alyson McCormick requesting Council give authority to the City Manager to make decisions regarding litigation currently pending for *Brizuela v. City of Sparks*. This lawsuit is currently pending in United States District Court for the District of Nevada and is in the initial stages of litigation. At this early stage of litigation, the City Attorney's Office does not recommend that City Council delegate settlement authority beyond the terms of SMC 2.27.030(A) to the City Manager. However, the City Attorney's Office does recommend that City Council delegate to the City Manager authority to make all other decisions for the City in the *Brizuela* matter.

**Motion:** Move to delegate authority to the City Manager to make any decision regarding the litigation currently pending as *Brizuela v. City of Sparks*, subject to the limitations of SMC 2.27.030.

**Moved by:** Council Member Lawson  
**Seconded by:** Council Member Dahir  
**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir  
**No:** None  
**Abstain:** None  
**Vote:** Motion passed unanimously, 5-0.

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

**10.1 SECOND READING, Public Hearing, discussion, and possible adoption of Bill No. 2767, an ordinance amending Chapter 1.11 of the Sparks Municipal Code by adding thereto provisions expressly allowing Sparks Municipal Court to conduct jury trials in appropriate circumstances; describing persons qualified to act as jurors; granting Sparks Municipal Court authority to establish policies and procedures for jury trials; and providing other matters properly related thereto. (FOR POSSIBLE ACTION)**

An agenda item presented by Assistant City Attorney Alyson McCormick, requesting adoption of Bill No. 2767. The Nevada Supreme Court recently determined that criminal defendants are entitled to jury trials in certain misdemeanor cases. If approved, Bill No. 2767 would: (1) expressly allow the Sparks Municipal Court to conduct trials by jury where required by law, (2) describe those persons qualified to serve as jurors in Sparks Municipal Court, and

(3) empower to Sparks Municipal Court to adopt policies and procedures for jury trials.

Council expressed concern about potential budget issues and implications if the Bill is adopted. Ms. McCormick explained that whether Council adopted this Bill or not, misdemeanor battery defendants still have a right to a jury trial. As far as costs associated with jury trials, the Court is addressing it in the new needs budget process for FY 2021. Court Administrator Heidi Shaw informed Ms. McCormick she estimates the cost to be about \$6,000. The cost estimated is based on the approximate number of jury trials per year and is not anticipated to be an enormous number.

Council inquired about the process in which Nevada Legislature mandated jury trials in Municipal Court. Ms. McCormick explained in 2019, the Legislature decided that a misdemeanor battery is a serious crime and if convicted, the defendant loses the right to possess a firearm. The Nevada Supreme Court reviewed the finding and determined since the Second Amendment is implicated, there is a right to a jury trial. Ms. McCormick also explained Sparks City Charter expressly states jury trials are not prohibited.

Council inquired when jury trials can be held at Municipal Court. Ms. McCormick stated the Court would like to get started as soon as possible because a defendant may invoke their right to a jury trial at any time.

Council expressed concern regarding retrofitting Municipal Court to be able to accommodate jury trials including room for witnesses, jury boxes, seating, software for jury selection, etc. Council Member Lawson stated he prefers to wait to make a decision until Council has more information.

City Attorney Chet Adams remarked that the City's primary concern is to protect the rights of the community as well as uphold the Constitution. What this legislation does is vest the municipal court the power to conduct a jury trial. The item does not have a fiscal note and the court is looking at ways to accommodate this provision. Mr. Adams stated he requested the Court bring the item to Council for consideration, however there was discussion the judicial body could unilaterally make the decision without Council approval. Mr. Adams also clarified there is a separation of powers between the legislative body and the judicial body and adopting this Bill will not require Council to fund court remodeling or other expenses related to jury trials. However, Mr. Adams did agree there would be a cost to the City eventually.

Council asked if the City had the ability to send misdemeanor domestic battery trials to District Court for adjudication. Ms. McCormick stated there is no statute that allows for the City to send these types of cases to District Court nor do the City's prosecutors have jurisdiction in District Court. Additionally, if the City were to have the ability to transfer a case, it would be to Sparks Justice Court, and they are in the same position as Municipal Court and do not have the accommodations

for jury trials yet. The courts are working together to find a solution for the jury selection process. Ms. McCormick stated the Municipal Court is making some minor modifications to accommodate jury trials.

Ms. McCormick clarified this Bill allows for any misdemeanor jury trial that is Constitutionally required, not just for domestic battery.

Ms. McCormick also stated there could possibly be potential legislation with other jurisdictions in this matter. The Supreme Court ruling came down in 2019 and there is no opinion on the date the jury trials should start. However, the date of the ruling would typically act as the start date. Ms. McCormick stated she believes the Court already has the inherent ability to conduct jury trials.

Public hearing was open at 3:25 p.m., there was no public comment on this item.

**Motion:** Move to adopt Bill No. 2767, an ordinance amending Chapter 1.11 of the Sparks Municipal Code by adding thereto provisions expressly allowing Sparks Municipal Court to conduct jury trials in appropriate circumstances; describing persons qualified to act as jurors; granting Sparks Municipal Court authority to establish policies and procedures for jury trials; and providing other matters properly related thereto.

**Moved by:** Council Member Anderson

**Seconded by:** Council Member Bybee

**Yes:** Council Members Abbott, Anderson, Bybee, Dahir

**No:** Council Member Lawson

**Abstain:** None

**Vote:** Motion passed, 4-1.

## 11. Planning and Zoning Public Hearings and Action Items

### 11.1 **SECOND READING, Public Hearing, discussion and possible adoption of Bill No. 2770, an ordinance approving Amendment No. 1 to a Development Agreement pursuant to NRS 278.0201 between the City of Sparks, Foothills at Wingfield, LLC and Albert D. Seeno Construction Company, providing for planning and development of a site approximately 65 acres in size generally located east of Golden Eagle Regional Park and south of Vista Boulevard, Sparks, Nevada. (FOR POSSIBLE ACTION)**

This is a request to amend the Development Agreement (the "Agreement") for Wingfield Commons which was approved by Council on November 13, 2018. The Agreement is for three parcels totaling 65 acres located east of Golden Eagle Regional Park and south of Vista Boulevard. The parties to the Agreement are the City of Sparks, Foothills at Wingfield, LLC (the property owner) and the Albert D. Seeno Construction Company (the master developer). This proposed amendment ("Amendment Number 1") to the approved Agreement would alter the tentative map submittal process for Wingfield Commons to permit approval of a tentative map prior to Federal Emergency Management Agency (FEMA) approval of a Conditional Letter of Map Revision (CLOMR) to remove a portion of the subject

property from the 100-year flood plain; this change would allow a tentative map for the subject property to be processed in a manner consistent with the City's standard practice.

**Motion:** Move to adopt Bill No. 2770, an ordinance approving Amendment No. 1 to a Development Agreement pursuant to NRS 278.0201 between the City of Sparks, Foothills at Wingfield, LLC and Albert D. Seeno Construction Company, providing for planning and development of a site approximately 65 acres in size generally located east of Golden Eagle Regional Park and south of Vista Boulevard, Sparks, Nevada.

**Moved by:** Council Member Bybee

**Seconded by:** Council Member Dahir

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**12. Comments**

**12.1 Comments from the Public**

None.

**12.2 Comments from City Council and City Manager**

None.

**13. Adjournment**

Council was adjourned at 3:32 p.m.

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Ronald E. Smith, Mayor

ATTEST:

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Lisa Hunderman, City Clerk