

REGULAR CITY COUNCIL MEETING MINUTES
2:00 P.M., Monday, January 9, 2012
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 2:01:23 p.m.)

The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 2:01 p.m.

2. *Roll Call (Time: 2:01:34 p.m.)

Mayor Geno Martini, City Clerk Linda Patterson, Council Members Julia Ratti, Ed Lawson, Ron Smith, Mike Carrigan, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT. Council Member Ron Schmitt, ABSENT.

Staff Present: Brian Allen, Ron Korman, Dan Hamlin, Andy Flock, Judge Barbara McCarthy, Heidi Shaw, Richard Brookes, David Bruketta, Jeff Cronk, Steve Driscoll, Neil Krutz, John Martini, Andy Koski, Dan Marran, John Martini, Chris Syverson, Armando Ornelas, Tonia Ramociotti, Shauna Nelson, Adam Mayberry, Jim Rundle and Donna DiCarlo.

Invocation Speaker: (Time: 2:01:50 p.m.)

The invocation was given by Pastor Pete Vossler of Crosswinds Assembly of God Church.

Pledge of Allegiance (Time: 2:02:38 p.m.)

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

Comments from the Public (Time: 2:03:06 p.m.)

None.

Approval of the Agenda (Time: 2:03:16 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 Ratti, seconded by Council Member Smith, to approve the agenda as posted. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

3. Recommendation to Approve Minutes of

3.1 Consideration and possible approval of the minutes of the Sparks City Council Meeting for December 12, 2011 (Time: 2:04:05 p.m.)

A motion was made by Council Member Smith, seconded by Council Member Ratti, to approve the minutes of the Regular Meeting of December 12, 2011. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

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

4.1 Commendation to Eagle Scout Jake Marchant and certificates of appreciation to those who assisted with his Eagle Scout project (Time:

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2:04:53 p.m.)

Maintenance Operations Manager Dan Hamlin introduced Jake Marchant and explained his Eagle Scout Project and how it benefitted the City of Sparks. Mayor Martini read the commendation to Eagle Scout Jake Marchant for his outstanding service to the City of Sparks for cleaning a one mile stretch of the city's bike path on Sparks Boulevard between Disc Drive and Shadow Lane. The proclamation was received by Jake Marchant, who then presented certificates of appreciation to those who helped him with his Eagle Scout project.

4.2 Proclamation to Rajan Zed, President of the Universal Society of Hinduism

(Time: 2:10:47 p.m.)

Mayor Martini read a proclamation to the Rajan Zed in recognition of his efforts to promote interfaith harmony in Sparks. The proclamation was received by Rajan Zed, President of the Universal Society of Hinduism.

4.3 Commendation to Eyecare Associates of Nevada by the Sparks Advisory Committee for the Disabled

(Time: 2:13:56 p.m.)

Council Member Ed Lawson read a commendation from the Sparks Advisory Committee for the Disabled to Eyecare Associates of Nevada in recognition of their extraordinary service and facilities to accommodate members of the disabled community.

5. Consent Items: (Time: 2:16:18 p.m.)

Consent items 5.4 and 5.12 were pulled for discussion and separate vote.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve Consent Items 5.1 through 5.3, 5.5 through 5.11, and 5.13. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

5.1 Consideration and possible approval of an amendment to Professional Services Agreement #A-2926 between the City of Sparks and Charles P. Cockerill, Attorney at Law, for labor-related legal representation services

An agenda item from Customer Service and Employee Relations Manager Chris Syverson recommending the City Council approve an amendment to the agreement with Mr. Cockerill to include that the consultant will provide collective bargaining and other labor relations services between the City and its recognized employee organization(s) authorized by the City Manager or designee for \$225.00 per hour beginning January 1, 2012. Funds have been budgeted for this expense.

5.2 Consideration and possible approval of an Interlocal Agreement with the City of Reno for 2012 Sewer Interceptor Condition Assessment Project, in the amount of \$66,240

An agenda item from Acting Utility Manager Andrew Hummel, recommending the City Council approve an agreement for sewer interceptor condition assessment. The City of Reno is planning an assessment project for a number of their pipelines in early 2012, including the Greg Street Interceptor. The City of Sparks, per the TMWRF Agreement, is obligated to share in costs of the Greg Street Interceptor. The cost of said work for the Greg Street Interceptor is anticipated to be \$107,100. One section of pipeline included in this assessment is the Siphon Structure beneath

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the Truckee River, which may require an extensive cleaning effort to be able to perform the Assessment. As such, an additional \$100,000 is being budgeted in the event cleaning is needed. Sparks share of these costs is estimated at \$66,240 based on the Agreement.

5.3 Consideration and possible ratification of a contract with Quality Control Systems Inc. (QCS) in the amount of \$25,600 for an emergency repair to a digester gas pipeline at the Truckee Meadows Water Reclamation Facility

An agenda item from Acting Maintenance Manager Kim Laber recommending the City Council ratify a contract for emergency repair at the water treatment facility in the amount of \$25,600 with Sparks share being \$7,680. A gas line in the basement of digester building #1 developed a leak in the pipe due to corrosion from the inside of the pipe. Staff was able to apply a temporary patch in order to eliminate the escape of gas into the digester basement. As part of the temporary repair, staff became aware that isolation valves for the line were no longer functional. Due to the critical nature of the gas line and the health and safety of plant personnel, informal quotes were sought from Savage Plumbing and QCS. Only QCS responded within the 1 week deadline. Approval to proceed was obtained from the City Manager. QCS replaced the corroded gas line and inoperable valves. Future analysis will look at assessing the condition of all gas piping.

5.4 Consideration and possible acceptance of a Type 6 fire apparatus from Lennar Homes (Time: 2:17:14 p.m.)

An agenda item from Fire Chief Andy Flock recommending the City Council accept the donation of a fire truck from Lennar Homes as a condition of their planned development handbook to assist in the risk management of the wildland/urban interface areas of the City. This apparatus was designed by the Fire Department and built by Rosenbauer. This Type 6 apparatus (national wildfire standard) is the first of its kind for the City of Sparks. While this apparatus carries less water, its shorter wheel base and smaller size will allow a quick response into areas that are inaccessible by our Type 1 engines. The faster response provides the potential to contain a fire while it is still small in size.

Council Member Lawson asked Chief Flock to discuss the donation. Chief Flock introduced Mr. Tim Scheideman, the Operating Manager for Lennar Homes of Northern Nevada and noted this was a condition of planned development handbook which allowed Lennar Homes to construct residences in this area of the City. Chief Flock stated this fire truck is valued at \$148,000 and is a prime example of public/private partnerships. Mr. Scheideman thanked the Fire Department for their assistance in procuring this equipment for the City.

A motion was made by Council Member Lawson, seconded by Council Member Ratti, to accept the fire apparatus as outlined. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

A short recess was called to allow the Council to view the new fire truck.

5.5 Report of Claims and Bills approved for payment and appropriation transfers for the period November 24, 2011 through December 21, 2011

An agenda item from Finance Director Jeff Cronk recommending approval of the Report of Claims and Bills as outlined.

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5.6 Review and possible approval of the 2012 Inter-Local Lease Agreement with the Washoe County School District, Transportation Department

An agenda item from Park and Recreation Director Tracy Domingues recommending the City Council approve an agreement for the use of school buses in our continuing effort to provide quality programming during our summer, year-round, and holiday day camps. The WCSD raised the fee to \$2.50 per mile May 25, 2011 to be effective July 1, 2011 through December 31, 2011. This was an increase of \$0.55 per mile. As a result we reduced the number of field trips to stay within budget.

5.7 Consideration and possible acceptance of an intrastate interlocal contract between the State of Nevada and the City of Sparks to provide electronic traffic citation and crash reporting capabilities

An agenda item from Police Chief Steve Keefer recommending the City Council approve an Interlocal agreement to allow the City of Sparks to participate in electronic reporting for traffic citation and crashes. The State of Nevada Department of Public Safety, Office of Traffic Safety has entered into a contract with Brazos Technologies Inc. to create a state-wide electronic traffic citation and crash reporting system. DPS has offered the system, free of charge, to any agency that has traffic enforcement responsibilities. The system will allow for the accurate and timely collection of traffic data that can be used in the allocation of assets when making traffic safety decisions. The data is available to any legitimate user of crash/citation data.

5.8 Consideration and possible approval of the purchase of two 62,000 GVW cab and chassis from Silver State International in the amount of \$249,200.00

An agenda item from Facilities and Fleet Manager Ron Korman recommending the City Council approve the purchase two cab and chassis for the for the purpose of replacing two dump trucks used by Community Services Maintenance Division. This purchase is for the cab and chassis only; there will be a future agenda item requesting permission to purchase the dump bodies, plows and sanders associated with these two units. The decision to separate these purchases was made in order to utilize the bid process while retaining uniformity with the snow removal equipment that already exists in our fleet. Funds are available for this purchase.

5.9 Consideration and possible approval of Reversion to Acreage Map for Merl K. Jessop II Holdings, LLC

An agenda item from Assistant Community Services Director John A. Martini recommending the City Council approve a reversion to acreage map. The subject parcel being reverted is located at 1201-1205 Industrial Way and includes lots 35 and 36 of the "Industrial Park Subdivision Map No. 2" as filed in the office of the Washoe County Recorder as Tract Map No. 1004. The reversion is to allow for new construction. With the reversion, the parcel will be in compliance with the Building Code which requires a building not to cross a property line. The total area reverted will be 2.07 acres. The reversion process is allowed per NRS 278.490. The final reversion to acreage map been checked and found to be technically correct, conforming to local ordinances and state law. The appropriate plan checking fees have been paid. A performance bond is not required to be filed with the City Clerk as no public improvements are associated with this map.

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5.10 Consideration and possible award of the Parlanti Lane Sewer Lift Station Rehabilitation Project, Bid No. 11/12-012, PWP-WA-2012-75 to Peavine Construction, in the amount of \$179,000.00

An agenda item from Capital Project Manager Chris Cobb recommending the City Council award a contract to Peavine Construction to replace the components of the existing wet-well / dry-well lift station with new submersible pumps, valves, piping and control system located on the southwest corner of Parlanti Lane and East Prater Way. The Parlanti Lane Sewer Lift Station Rehabilitation Project (CIP 12-6621) is budgeted in the FY12 CIP.

5.11 Consideration and possible approval of a Professional Services Contract with HK Architects to develop and design the renovation of the Shadow Mountain Restroom and Concession Building in the amount of \$35,000

An agenda item from Capital Project Manager Chris Cobb recommending the City Council award a contract to HK Architects for the renovation of the Shadow Mountain Restroom and Concession Building. The City of Sparks built Phase II of the Shadow Mountain Sports Complex in the early 80's. This included the main Bathroom/Concession Building. Minor changes and upgrades have taken place since then; however the bathrooms, roof, mechanical, electrical, and plumbing systems need to be renovated to meet the high use of this facility. City Staff contacted and met with HK Architects to review the existing facility. HK Architects submitted a proposal to provide a design for renovation improvements to the Shadow Mountain restroom/concession building. This contract is budgeted in the 2011/2012 Capital Improvement Plan.

5.12 Consideration and possible approval for the City Council to accept the 2011 Assistance to Firefighters Grant award (Time: 2:29:53 p.m.)

An agenda item from Administrative Division Chief Tom Garrison recommending the City Council accept a grant award. This AFG grant will fund the replacement of all fire department portable, mobile, and base station radio equipment. Many factors have caused this equipment to become obsolete including irreparable due to age, inoperable with many of the frequencies used in the region, and non-compliant with current and forthcoming standards of the Federal Communications Commission (FCC). Total grant award is \$504,739, with a 20% (\$100,947) applicant match requirement. This grant was unanticipated at the time the FY12 budget was filed. While only \$19k remains in the grant match budget, the remaining \$82k in matching funds will come through cost savings throughout the General Fund.

Council Member Lawson thanked Senator Reed for his assistance with the grant. He said that radios are the lifeline for our emergency personnel and he is happy to accept this grant. He noted that the Police Department still needs an upgrade for their communications equipment so that they are also on the new system.

A motion was made by Council Member Lawson, seconded by Council Member Smith, to accept the grant award as outlined. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

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5.13 Document Destruction Approval of and the destruction/disposal of original building plans and associated documents that have been microfilmed (City Clerk's Office)

An agenda item from EIMS Coordinator Donna DiCarlo recommending the City Council approve the destruction/disposal of original building plans and associated documents that have been microfilmed, per NRS 239.051, which allows for the destruction/disposal of original building plans and associated documents once they have been scanned and microfilmed in a manner that complies with the standards of quality approved by the American National Standards Institute. A copy of the film is stored in a manner that protects it reasonably from loss. Once the standards have been met, a reproduction of the film is considered an original.

6. General Business

6.1 Consideration and possible acceptance of a grant from The Nell J. Redfield Foundation in the amount of \$30,000 for the Sparks Parks and Recreation Department to continue various programming in 2012 (Time: 2:33:21 p.m.)

Recreation Supervisor Shawna Nelson stated acceptance of this grant will enable the Sparks Parks and Recreation Department to continue The Nell J. Redfield Free Neighborhood Playground Program and a portion of the Leisure Without Limits Program. Both programs provide for underserved populations within our community.

Council Member Ratti thanked the Nell J. Redfield Foundation for their continued support of these programs.

A motion was made by Council Member Ratti, seconded by Council Member Lawson, to accept a grant from The Nell J. Redfield Foundation in the amount of \$30,000 for the continuation of The Nell J. Redfield Neighbourhood Playground and Leisure Without Limits Programs. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

6.2 Consideration and Possible approval of payment of special counsel fees to Holland & Hart in the amount of \$35,301.64 for past services rendered to Sparks Municipal Court; and approval for all future payments related to legal advice regarding personnel and budget matters for the Sparks Municipal Court (Time: 2:35:52 p.m.)

Municipal Court Judge Barbara McCarthy stated the court is asking the Council to approve these attorney fees resulting from the retention of outside council due to a decision by the Sparks City Attorney that his office had a conflict of interest in this litigation issue.

Council Member Carrigan asked what the hourly rate was for these legal services. Judge McCarthy stated that there are several individuals working on this case and the hourly rate varies, based on who is doing the work. She stated that she has been told by Finance that the Court billings for this particular issue are co-mingled with other services this attorney provides to the City, so finance is unable to identify a specific hourly rate for the Court.

City Manager Shaun Carey stated he receives a separate billing each month from Alice Mercado's law firm detailing the costs associated with the defense of the City in this matter, so

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the billing is not co-mingled. He stated he reviews the billing each month prior to payment by the City. He said if anyone wishes to view the invoices that have been approved, they should contact his office.

A motion was made by Council Member Ratti, seconded by Council Member Carrigan, to approve payment of special counsel fees to Holland & Hart in the amount of \$35,301.64 for past services rendered to Sparks Municipal Court; and approval for all future payments related to legal advice regarding personnel and budget matters for the Sparks Municipal Court. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

Judge McCarthy stated that because there are so many questions being asked about the lawsuit between the Municipal Court and the City of Sparks, she wanted to provide the web site where the public can access information regarding the lawsuit: www.nevadajudiciary.us ; the case number at the Nevada Supreme Court is 59139.

6.3 Consideration and possible approval of termination of the Agreement for the Sale of Treated Effluent with D'Andrea Nevada Golf Club, LLC for service at D'Andrea Golf Course service as allowed under Agreement A-2798, Section M.3, for failure to pay amount due within sixty (60) days (Time: 2:43:14 p.m.)

Community Services Director Neil Krutz said staff is asking the Council to terminate the Agreement with D'Andrea for the effluent they use to water the golf course. This agreement was approved in July of 2001, and as of today the outstanding balance on the account is \$145,991.00. Approximately \$135,000 of that amount is sixty days or older.

Mr. Krutz detailed the history of the effluent service to D'Andrea as follows:

- We ended calendar year 2007 with a balance owed to the City of just under \$47,000.
- Staff negotiated a payment plan with the golf course operator to have them essentially pay off that bill over the winter so by the time the watering season started in April, they would be current.
- D'Andrea did make good on the negotiated payment plan and had the 2007 balance paid off in April of 2008.
- D'Andrea started falling behind on their payments again in August of 2008 and ended 2008 with a balance owed to the City in excess of \$82,000.
- Again a payment plan was negotiated to allow them to pay the bill prior to the beginning of the next watering season; however, they did not complete the payment plan until August of 2009.
- After paying off the past due amount, D'Andrea was able to stay current with their payments through calendar year 2009.
- When the watering season began in April of 2010, they fell behind and at the end of 2010, they owed a balance in excess of \$89,000.
- Again staff negotiated a payment plan and the golf course almost made good on the payment plan in the spring of this year—they came within \$5,000 of having paid off the 2010 balance before the watering season began in 2011.

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- In August of this year we sent a letter to the golf course to let them know they had a +60 day balance in excess of \$16,000 and notified them it was our intent to interrupt their service in seven days, if that past due balance was not paid.
- They did make that payment and we did not have to shut the water off in August.
- In September, a similar notice was sent regarding a +60 day overdue balance of \$40,000.
- This was not paid and service was interrupted on September 21, 2011.
- On September 22, 2011, staff went back to verify that the meter was still turned off and found it had been turned back on.
- On September 23rd staff went back and turned it off again and filled the vault with sand and concrete to make it very difficult turn back on.
- The water stayed off for an additional week, until D'Andrea made a commitment to have \$10,000 sent to the City within a couple of weeks and promised to have the balance paid of "post haste".
- The water was turned on September 30th.
- D'Andrea has not made any payments since then and they have a balance of \$145,991.

Mr. Krutz stated that in 2001, the City helped finance the private portion of the cost of extending effluent system to D'Andrea, in excess of \$564,000. We arranged a 20-year repayment term at 4% interest. This payment is included in their water bill every month. The current outstanding balance on the infrastructure investment is about \$370,000. One of the terms in the agreement is that if the City does move forward to terminate the agreement, the infrastructure balance still owed to the City is forfeited. This is the downside of terminating the agreement. Mr. Krutz said the agreement also provides that the City does have the right to sell that infrastructure capacity to another water user, should we choose to do so.

Mr. Krutz said staff is recommending that the agreement be terminated because it does not make sense to keep providing a product when we are not being paid for it. If the agreement is terminated then we can explore other options.

Council Member Smith asked is selling the capacity was different from selling the infrastructure. Mr. Krutz responded that the infrastructure has been put in place and if the agreement is cancelled, we can continue to use that infrastructure for someone else's benefit and we can require them to pay for that infrastructure. Council Member Smith commented that the agreement should be terminated because this has gone on far too long. It was noted that if this agreement is terminated and the City provides effluent for the Golf Course under the terms of the ordinance, the payment terms will be much more stringent and D'Andrea will have to pay the higher fees for the water.

Council Member Carrigan asked how we would recover the past due amount if the agreement is terminated and D'Andrea requests effluent service under the ordinance. City Attorney Adams stated we could put a lien on the property for the past due fees, but it would probably be more appropriate to negotiate payment of the past due fees when they receive service under the ordinance. Mr. Krutz explained that if the agreement is terminated, then D'Andrea would have to request service under the ordinance and the ordinance provides for a new connection fee which would be in excess of \$3 million, so it is anticipated that D'Andrea would be very willing to negotiate what they owe the City. It was noted that if the agreement is terminated, D'Andrea

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would have to ask to be an effluent customer under the ordinance, it would not be automatic.

Council Member Lawson said he is sorry it has come to this, but it is long overdue and at some point enough is enough.

Council Member Ratti asked when the termination would be effective. Mr. Krutz stated it would be effective today and the soonest we could get a crew out to turn off the meter and secure it would be tomorrow.

Mayor Martini said this is a sad situation and the developer had good intentions, but with the way the economy is, these things happen.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to approve the termination of the Agreement for the Sale of Treated Effluent with D'Andrea Nevada Golf Club, LLC for service at D'Andrea Golf Course service as allowed under Agreement A-2798, Section M.3, for failure to pay amount due within sixty (60) days. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

6.4 Fiscal Year 2011-2012 midyear review of General Fund personnel costs (Time: 2:57:36 p.m.)

Finance Director Jeff Cronk stated that we had a budget of \$40.1 million for personnel costs and right now we are tracking to come in just a bit under that—right about \$40 million or even a little bit less than that. He noted that the details are outlined in the staff report and asked if there were any questions. There was no Council action required for this item.

6.5 Possible motion to conduct Labor Relations proceeding (Closed per NRS 288.220) (Time: 2:59:12 p.m.)

No Action taken.

6.6 Discussion, consideration, and possible approval of a bargaining agreement between IAFF Local 1265 and the City of Sparks for the period 7/1/11 through 6/30/12 (Time: 2:59:52 p.m.)

Employee and Customer Relations Manager Chris Syverson noted that the IAFF contract expired June 30, 2011 and staff has been working with the union to come to an agreement. The contract being submitted for approval is a “zero” contract, meaning there are no financial impacts—it simply carries forward the previous contract. There were several MOUs that have now been incorporated into the bargaining agreement and there were a couple of clean up items, but no major substantive changes have been made.

A motion was made by Council Member Smith, seconded by Council Member Ratti, to approve the bargaining agreement between IAFF Local 1265 and the City of Sparks for the period 7/1/11 through 6/30/12. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

6.7 Consideration, discussion, and possible approval of Resolution No.3208,

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designating certain employees as Executive; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto (Time: 3:03:25 p.m.)

Employee and Customer Relations Manager Chris Syverson discussed items 6.7 through 6.11, stating these employee resolutions were amended to include the possibility of a high-deductible health plan. Given the economic situation of the City and the inability of staff to work this issue out with the Health Care Committee, the high-deductible health plan is no longer an option and this language is now being removed. These employee resolutions will be effective through June 30, 2012.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve Resolution No.3208, designating certain employees as Executive; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto. Council Members Ratti, Smith, Carrigan, YES. Council Member Lawson, NO. Council Member Schmitt, ABSENT. Motion carried.

6.8 Consideration, discussion, and possible approval of Resolution No. 3209, designating certain employees as Management, Professional, and Technical; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto (Time: 3:05:36 p.m.)

Discussion for this item is listed under item 6.7.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve Resolution No. 3209, designating certain employees as Management, Professional, and Technical; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

6.9 Consideration, discussion, and possible approval of Resolution No. 3210, designating certain employees as Confidential; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto (Time: 3:06:12 p.m.)

Discussion for this item is listed under item 6.7.

A motion was made by Council Member Ratti, seconded by Council Member Carrigan, to approve Resolution No. 3210, designating certain employees as Confidential; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

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- 6.10 Consideration, discussion, and possible approval of Resolution No. 3211, designating certain employees as Assistant and Senior Assistant City Attorney's; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto (Time: 3:07:24 p.m.)**

Discussion for this item is listed under item 6.7.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve Resolution No. 3211, designating certain employees as Assistant and Senior Assistant City Attorney's; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

- 6.11 Consideration, discussion, and possible approval of Resolution No. 3212, designating certain employees as Deputy Police Chief; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto (Time: 3:08:10 p.m.)**

Discussion for this item is listed under item 6.7.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve Resolution No. 3212, designating certain employees as Deputy Police Chief; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

- 6.12 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)) (Time: 3:09:18 p.m.)**

No Action taken.

- 6.13 Consideration and Possible Final Approval of a Settlement for Attorney's Fees (Time: 3:09:45 p.m.)**

A motion was made by Council Member Carrigan, seconded by Council Member Smith that based upon the advice provided by the city's attorney, the Council approves the settlement of all claims for attorney's fees and costs presented by Ms. Gemma Greene Waldron, Esq. for a total amount of \$5,001. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

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

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7.1 Second Reading, Public Hearing and Possible Approval of Bill No. 2638, Amending the Sparks Municipal Code Relating to Alarm Systems; an Ordinance Amending Chapter 9 of the Sparks Municipal Code Relating to Alarm Systems; Directing that Money Generated By Fees Assessed from the False Alarm Reduction Program Contained in Chapter 9.06 of the SMC shall flow into the City's General Fund; And providing other matters properly related thereto (Time: 3:10:23 p.m.)

City Attorney Adams stated this bill was done at the request of the Police Chief and changes the accounting for the alarm system fees so that they go into the general fund rather than the police department.

In response to questions from Council, Deputy Police Chief Brian Alan clarified that for the past several years these funds have been used to offset the amount of concessions that the police department would have to give, thereby saving jobs. In the last negotiation with the City it was agreed to forgo those fees going directly to the police department and instead go back into the general fund. The funds were also used to purchase equipment such as rifles and software for the police department. He noted that these funds amount to about \$150,000 per year.

City Manager Carey noted that should the Council choose not to approve this ordinance, the fees would be regulated under the current ordinance, which established and earmarked these fees to be used for capital purposes within the police department. He noted the proposed ordinance does not preclude the funds being spent by the police department, it is simply reckoning an accounting standard that we don't earmark particular revenue.

A motion was made by Council Member Ratti, seconded by Council Member Carrigan, to approve Bill No. 2638 (Ordinance No. 2457), Amending Chapter 9 of the Sparks Municipal Code Relating to Alarm Systems. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

7.2 Public Hearing, consideration and possible approval of an amendment to the PY2011 Annual Action Plan (for U.S. HUD) to change the target project area for the Pedestrian Improvement activity and to add a new activity to provide for certain improvements to the Community Assistance Center in Reno (Time: 3:17:21 p.m.)

Council Member Ratti disclosed that she owns property in the area under discussion and under the advice of the City Attorney, that property will be treated the same as any other property in that area. Therefore she is disclosing her ownership and she will still be voting on this item.

City Planner Armando Ornelas stated this item asks the City Council to conduct a public hearing and consider approval of an amendment to the City's annual action plan for the use of CDBG funding. The original action plan for the current fiscal year was approved in May of last year and it was submitted to and approved by HUD. The amendment has been made available to the public, but not requests or comments have been received.

This amendment has two components. One is a change in the target area for the City's pedestrian improvement activities from the previously identified target area that is no longer

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eligible to a new area. The second is a new activity to provide for certain improvements at the Community Assistance Center (Homeless Shelter) in Reno – comprised of new electric gate and fencing, new lighting and cameras, and additional shade and seating structures in the courtyard (up to \$188,000).

Mayor Martini opened the public hearing and asked if there were any comments. There being none, the public hearing was closed.

A motion was made by Council Member Lawson, seconded by Council Member Smith, to approve an amendment to the PY2011 Annual Action Plan (for U.S. HUD) to change the target project area for the Pedestrian Improvement activity and to add a new activity to provide for certain improvements to the Community Assistance Center in Reno. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

8. Planning and Zoning Public Hearings and Action Items

8.1 PCN11030-Public Hearing, discussion and possible finding of tentative approval of a handbook amendment for the Marina Landing Planned Development handbook (Time: 3:22:50 p.m.)

Senior Planner Jim Rundle displayed a vicinity map and noted that the Marina Landing project governs the existing RV Park which is accessed off of Lincoln Way. It also governs some portion of land along Marina Gateway. The portion affected by the amendment is located next to the car wash which currently fronts Prater Way and is located at the intersection of Marina Gateway and Prater Way. The applicant is asking for more flexible standards on page 52 of the handbook. Originally the standard required that a building “front” Prater Way and the applicant is requesting that standard have flexibility. Staff is supporting the proposal to add a landscaping area. The applicant is also requesting flexibility in the signage requirements. He stated that in the opinion of staff, these amendments would not change the intent of the handbook, but would add some design flexibility.

Council Member Smith asked for clarification where the entrance to the business from Prater Way would be located. Mr. Rundle stated the applicant has not submitted any drawings or site plan for the property; however, the site will require a Special Use Permit for construction, so the Council can request to review any project that is submitted.

Mayor Martini opened the public hearing and asked if there were any comments.

Ms. Melissa Lyndell, representing Wood Rogers, spoke on behalf of the applicant (Maverick) in support of the amendments, stating they hope the added flexibility will encourage development in this area.

There being none, the public hearing was closed.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to tentatively approve the Planned Development Handbook associated with PCN11030 (Marina Landing), adopting Findings PD1 through PD21 and the facts supporting these Findings as set

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forth in the staff report. The tentative approval includes that the applicant shall file for final approval of the planned development within one (1) year from the date of the City Council granting tentative approval of the planned development handbook. Due to the nature of the tentative planned development, the Planning Commission does not recommend that the City Council require a bond at this point in time as stated in NRS 278A.490. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

9. Comments:

9.1 *From the Council and City Manager (Time: 3:30:34 p.m.)

Council Member Ratti wished Mayor Martini a Happy Birthday.

City Manager Carey read an announcement regarding one vacancy on the Civil Service Commission and one appointment to the Planning Commission and encouraged Sparks Citizens to volunteer for these positions. He noted that the application deadline for these positions was in 14 days (January 23, 2012).

9.2 Comments from the Public (Time: 3:32:20 p.m.)

None.

10. *Adjournment (Time: 3:32:23 p.m.)

City Clerk

Mayor

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