



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, November 13, 2017
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. Call to Order (Time: 2:00 p.m.)

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

2. Roll Call (Time: 2:00 p.m.)

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

ABSENT: None

3. Opening Ceremonies

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

A moment of acknowledgement to honor veterans and an invocation was provided by Pastor Kristopher Dahir, Freedom Fellowship.

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

The Pledge of Allegiance was led by Council Member Charlene Bybee.

4. Public Comment (Time: 2:04 p.m.)

City Manager Steve Driscoll said a letter was received by the applicant requesting a zoning change to withdraw the request. The item was scheduled as a first reading on this agenda; however, he will be requesting that item be removed from the agenda. If the developer wants to move forward, the process will start over with the Planning Commission.

Bill Wagner thanked Council Members and requested notification of any future development plans in the Vistas. A woman identifying herself as Anonymous spoke against destruction of court records of victims of domestic violence. Community Foundation of Western Nevada representative Nick Tschecker distributed the Washoe Caregivers Guidebook to the Basics of Beginning Care published thru the Caregiver Support Initiative of the Community Foundation. Northern Nevada Apprentice Coordinators Association representative Randy Canale spoke to recognize National Apprenticeship Week, introduce the programs they provide and invite Council to tour the facility. Brandon Alarcon said he is in the apprenticeship program and spoke of the benefits of the program. Kathleen Shupp and Darlene Hesse spoke in opposition of a high school

being built at Wildcreek. Peggy Rew spoke in favor of growth and progress; however, spoke against development that would negatively affect traffic on Los Altos.

5. Agenda (Time: 2:30 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 Lawson, seconded by Council Member Abbott, to remove item 9.7 from the agenda approve as amended. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

6. Minutes (Time: 2:32 p.m.)

6.1 Consideration and possible approval of the minutes of the regular Sparks City Council meeting of October 23, 2017.

A motion was made by Council Member Dahir, seconded by Council Member Lawson, to approve the minutes of the regular Sparks City Council meeting on October 23, 2017. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

7. Announcements, Presentations, Recognition Items and Items of Special Interest (Time: 2:33 p.m.)

7.1 Proclamation: Alpha-1 Awareness Month (Time: 2:33 p.m.)

Mayor Geno Martini proclaimed November 2017 as "Alpha-1 Awareness Month". A nationwide awareness campaign will take place throughout the country to educate the public as well as the medical community on Alpha-1 detection and treatment for those affected by this condition. The proclamation was read by Council Member Abbott and presented to members of the Alpha-1 support group, Norma Leising, Steve Faucett, John and Sally Dorf, Dianna Harvey, Karen Rollsten and Heather Toepfer. Plasma donations that can be made at Grifols on Prater Way and testing through '23 and Me' were discussed.

8. Consent Items (FOR POSSIBLE ACTION) (Time: 2:44 p.m.)

A motion was made by Council Member Lawson, seconded by Council Member Abbott, to approve consent items 8.1 through 8.5 as submitted. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

8.1 Report of Claims and Bills approved for payment and appropriation transfers for the period October 5, 2017 through October 25, 2017. (FOR POSSIBLE ACTION)

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

8.2 Consideration and possible approval of a Final Map for Kiley Ranch North Village 37A – Phase 1 Subdivision (FOR POSSIBLE ACTION)

An agenda item from City Engineer Jon Ericson recommending Council approve the final map. The Kiley Ranch North Village 37A – Phase 1 Subdivision is a continuation of the Kiley Ranch North New Urban District and generally located east of Henry Orr Parkway and south of Kiley Parkway. This subdivision will create 84 residential lots on 10.96 acres. The developer will be Lennar Reno, LLC. The final map and civil improvement drawings have been reviewed by the

Community Services Department and have been found to be acceptable. There is no impact to the general fund.

8.3 Consideration and possible approval of a Final Map for Kiley Ranch North Village 37B – Phase 1 Subdivision (FOR POSSIBLE ACTION)

An agenda item from City Engineer Jon Ericson recommending Council approve the final map. The Kiley Ranch North Village 37B – Phase 1 Subdivision is a continuation of the Kiley Ranch North New Urban District and generally located south of Windmill Farms Parkway and east of Kiley Parkway. This subdivision will create 48 residential lots on 7.09 acres. The developer will be Lennar Reno, LLC. The final map and civil improvement drawings have been reviewed by the Community Services Department and have been found to be acceptable. There is no impact to the general fund.

8.4 Consideration and possible approval of a Final Map for Kiley Ranch North Village 43 – Phase 1 Subdivision (FOR POSSIBLE ACTION)

An agenda item from City Engineer Jon Ericson recommending Council approve the final map. The Kiley Ranch North Village 43 – Phase 1 Subdivision is a continuation of the Kiley Ranch North New Urban District and generally located south of Kiley Parkway and east of Henry Orr Parkway. This subdivision will create 54 residential lots on 5.34 acres. The developer will be Lennar Reno, LLC and Kiley Ranch North Landscape Association Inc. The final map and civil improvement drawings have been reviewed by the Community Services Department and have been found to be acceptable. There is no impact to the general fund.

8.5 Consideration and possible approval of a Final Map for Kiley Ranch Village 38 – Phase 3 Subdivision. (FOR POSSIBLE ACTION)

An agenda item from City Engineer Jon Ericson recommending Council approve the final map. The Kiley Ranch Village 38 – Phase 3 Subdivision is a continuation of the Kiley Ranch North New Urban District and will be generally located east of Sparks Boulevard and south of Kiley Parkway. This subdivision will create 36 residential lots on 4.80 acres. The developer will be Jenuane Communities Kiley Ranch, LLC. The final map and civil improvement drawings have been reviewed by the Community Services Department and have been found to be acceptable. There is no impact to the general fund.

9. General Business

9.1 Consideration and possible confirmation of the Mayor's recommendation to appoint Karim Shabazz to the Sparks Planning Commission from the following pool of applicants, listed in alphabetical order: Joshua Fink, Paul Freeman, Johanna Lee, Karim Shabazz and William Wagner. (FOR POSSIBLE ACTION) (Time: 2:45 p.m.)

An agenda item from City Manager Steve Driscoll recommending Council confirm the appointment of Mr. Karim Shabazz to the Sparks Planning Commission. Mr. Shabazz will serve the remainder of Commissioner Gaba's term that expires on December 31, 2020. Mr. Shabazz will then have an opportunity to be reappointed for an additional term. Mr. Shabazz is a long-time resident of the City of Sparks and has witnessed a great deal of growth and redevelopment. Mr. Shabazz would like to join the team and help make smart growth decisions while maintaining the city's identity and history. There is no impact to the general fund.

A motion was made by Council Member Lawson, seconded by Council Member Smith, to confirm the appointment of Mr. Karim Shabazz to the Sparks Planning Commission through December 31, 2020. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.2 Consideration, discussion and possible adoption of Resolution No. 3325 repealing Resolution No. 2690 and establishing the procedure for appointment of persons to represent the City of Sparks on various Boards, Commissions, or similar groups, and providing for matters relating thereto. (FOR POSSIBLE ACTION) (Time: 2:46 p.m.)

An agenda item from City Clerk Teresa Gardner recommending Council approve Resolution No. 3325. The previous Resolution was adopted October 23, 2000 and outlined the procedure for the appointment of citizens to boards, commissions or similar groups. Over the years, the procedure has evolved and the proposed Resolution will incorporate, clarify and update procedure changes including an update of the current boards, commissions and similar groups; allows the Mayor to waive or temporarily change a procedure; allows adult citizens to apply at any time using the form available on the website or by obtaining one from the City Clerk's office; updates the recruitment procedure, including announcements at the Council meeting and on social media; eliminates interviews of applicants at public meetings; eliminates term limit requirements in the Resolution and defers to the bylaws of the individual boards, commissions or similar groups; allows the Mayor to approve a citizen to serve on multiple boards, commissions or similar groups; and outlines the nomination procedure when no applications have been submitted after a recruitment. There is no impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Bybee, to approve Resolution No. 3325. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.3 Consideration and possible approval of a construction contract (AC-5419) for the Victorian Square Infrastructure-Phase 1 Project, Bid No. 17/18-008, PWP #WA-2018-010, in the amount of \$634,000 to Q & D Construction, Inc. (FOR POSSIBLE ACTION) (Time: 2:51 p.m.)

An agenda item from Capital Projects Manager Brian Cason recommending Council approve the contract which consists of the removal and replacement of existing pavers, removal of existing tree planters, the construction of new larger tree planters, removal and replacement of existing sidewalk, and installation of electrical for future tree lighting on the north side of Victorian Avenue from Pyramid to 10th Street. Funds are from the Parks and Recreation Project fund, the Victorian Square Room Tax fund and the Redevelopment Agency Revolving fund; there is no impact to the general fund.

A motion was made by Council Member Bybee, seconded by Council Member Abbott, to approve the construction contract for the Victorian Square Infrastructure-Phase 1 Project with Q&D Construction, Inc., in the amount of \$634,000. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.4 Consideration, discussion, and possible authorization to the Sparks City Attorney's Office to file or cause to be filed an appeal of an arbitrator's decision in a personnel matter to the Washoe County District Court and for legal fees of an estimated \$5,000. (FOR POSSIBLE ACTION) (Time: 2:57 p.m.)

An agenda item from Chief Assistant City Attorney Shirle Eiting recommending Council authorize the filing of an appeal. On September 30, 2017, a decision was rendered by an arbitrator in a personnel matter. It is believed that the decision reached by the arbitrator violates the Civil Service Regulations of the City of Sparks and the Sparks Police Protective Association (“SPPA”) Sergeants Collective Bargaining Agreement. Based upon the noncompliant nature of the arbitrator’s decision, the City believes that it is necessary to appeal the arbitrator’s decision to the Washoe County District Court. There is an impact of an estimated \$5,000 to the general fund.

The employee representative in the arbitration, Frank Flaherty spoke regarding risks of filing an appeal and his belief the arbitrator’s decision is valid and the city is obligated to accept the decision.

Chief Assistant City Attorney Eiting said she disagrees with Mr. Flaherty’s position and recommends the appeal is filed. City Attorney Chet Adams said the Nevada Supreme Court requires a governmental attorney to appear before their governing board and request permission to file an appeal; the merits and city’s position are not an issue.

A motion was made by Council Member Lawson, seconded by Council Member Smith, to authorize the appeal of the arbitrator’s decision in the personnel matter based on the attorney’s advice. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.5 Consideration, discussion, and possible decision regarding a Settlement Offer of \$42,000 for a Personal Injury Claim. (FOR POSSIBLE ACTION) (Time: 3:03 p.m.)

An agenda item from Assistant City Attorney Alyson McCormick recommending Council reject the settlement offer made by Rene House. In November 2016, Rene House was involved in a motor vehicle collision with a City of Sparks vehicle driven by a City of Sparks employee. Through the Risk Management Committee, the city settled Ms. House’s insurer’s claim for property damage in the amount of \$18,602.19 in May 2017. The property damage settlement did not include damages for personal injury, the extent of which was not yet known at the time. As of October 17, 2017, Ms. House had incurred medical costs in the amount of \$10,363.26, which she alleges were necessary due to the collision. Through counsel, Ms. House sent a demand letter to the City of Sparks, seeking to settle Ms. House’s personal injury claim “for \$42,000 or policy limits, whichever is less.” There is no additional impact to the general fund if the claim is rejected.

A motion was made by Council Member Lawson, seconded by Council Member Smith, to reject the settlement offer of \$42,000 based on the attorney’s advice. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.6 Presentation, discussion, and possible approval of a request to the Nevada Department of Environmental Protection (NDEP), Washoe County Health District (WCHD), and Truckee Meadows Water Authority (TMWA) to report within 30 days the result of negotiations on re-instating a “Water Projects Waiver” to TMWA and to provide the local elected officials status reports on the processing of “Water Projects” at least quarterly. (FOR POSSIBLE ACTION) (Time: 3:04 p.m.)

An agenda item from City Manager Steve Driscoll recommending Council ask the Nevada Department of Environmental Protection (NDEP), Washoe County Health District (WCHD), and

Truckee Meadows Water Authority (TMWA) to report within 30 days the result of negotiations on re-instating a “Water Projects Waiver” and to provide the local elected officials status reports on the processing of “Water Projects” at least quarterly.

At the November 6, 2017, Concurrent Meeting of the City of Sparks Council (Sparks Council), the City of Reno Council (Reno Council), the Washoe County Board of County Commissioners (WC-BCC), and the Truckee Meadows Water Authority Board (TMWA Board), a presentation on “Water Projects” was given by Nevada Division of Environmental Protection (NDEP), Washoe County Health District (WCHD), and Truckee Meadows Water Authority (TMWA) senior management personnel.

After the presentation there was discussion and questions from the elected bodies and comments from the public. The Reno Council and WC-BCC members approved individual motions related to future reporting by the presenters. The City of Sparks had a quorum at the beginning of the meeting; however, that quorum ceased to exist at 10:45 a.m., prior to any direction being given. There is no impact to the general fund.

Council discussed efficiencies to the development community when TMWA has a waiver to approve certain projects independently. In addition, it was discussed that political influence by Council Members sitting on other boards can ensure reports are brought to the Council as requested. The negative effects of increasing rental costs, homelessness and rising construction costs were also discussed. Mr. Dahir said the decision to pull the waiver made by the Health District was not brought before the Health District’s Board.

A motion was made by Council Member Smith, seconded by Council Member Dahir, to request NDEP, WCHD, and TMWA to provide certain information on a timely basis. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.7 First Reading of Bill No. 2728, a general ordinance rezoning a site 7.72 acres in size from PD (Planned Development – The Vistas) to MF2/PD (Residential Multi-family) located at 2255 S. Los Altos Parkway, Sparks, NV. (FOR POSSIBLE ACTION)

This item was pulled from the agenda because the applicant withdrew the request to rezone.

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

10.1 Public hearing, consideration, discussion, and possible approval of Resolution No. 3326 establishing certain benefits offered to the City Attorney and Municipal Court Judges. (FOR POSSIBLE ACTION) (Time: 3:14 p.m.)

An agenda item from Assistant City Manager Neil Krutz recommending Council approve Resolution No. 3326 replacing the existing Resolution No. 2596 passed by City Council on August 9, 1999 with an Amendment via Resolution No. 2620 adopted on October 11, 1999. Substantive changes include removal of auto and cell phone allowance, removing the connection between the Executive Resolution and the City Attorney and Municipal Court Judge Resolution and health insurance premiums. There is no impact to the general fund.

The Public Hearing was opened at 3:20; no comments were received.

A motion was made by Council Member Smith, seconded by Council Member Dahir, to approve Resolution No. 3326 establishing certain benefits offered to the City Attorney and Municipal Court Judges. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

10.2 Public hearing, consideration, discussion, and possible approval of Resolution No. 3327 establishing certain benefits offered to the Mayor and the City Council. (FOR POSSIBLE ACTION) (Time: 3:21 p.m.)

An agenda item from Assistant City Manager Neil Krutz recommending Council approve Resolution No. 3327 replacing Resolution No. 2596 passed by City Council on August 9, 1999 with an Amendment added via Resolution No. 2620 on October 11, 1999. Substantive changes include removing the connection between the Executive Resolution and the Mayor and City Council Resolution and health insurance premiums. There is no impact to the general fund. Council Member Bybee said payment of 50% of dependent insurance premiums is generous. Council Member Dahir said equity across the board is important.

The Public Hearing was opened at 3:24; no comments were received.

A motion was made by Council Member Dahir, seconded by Council Member Lawson, to approve Resolution No. 3327 establishing certain benefits offered to the Mayor and the City Council. Council Members Abbott, Lawson, Smith, Dahir, YES. Council Member Bybee, NO. Motion carried 4-1.

10.3 Public hearing, consideration, discussion, and possible approval of Resolution No. 3328 for Executive Employees for the period July 1, 2017 through June 30, 2020. (FOR POSSIBLE ACTION) (Time: 3:26 p.m.)

An agenda item from Assistant City Manager Neil Krutz recommending Council approve Resolution No. 3328. Executive Employee Resolution No. 3278 was approved by the Council on June 8, 2015 and it expired June 30, 2017. The new Resolution No. 3328 will cover the period July 1, 2017 through June 30, 2020. Substantive changes include effective date, cost of living adjustments, base pay range adjustments, removal of the auto and cell phone allowances, reducing dependent care premiums for employees hired after July 1, 2010, changing sick leave conversion and cash-out accrual rates; and providing for the repeal of all prior resolutions related to these employees in the designated titles. Council discussed the reductions taken by this group, along with the Management, Professional, Technical group, during the recession and the benefit to retirement calculations of having the auto and cell phone allowances be part of salary.

The estimated financial impact to the general fund is a range of \$46,300 to \$61,300 for FY18, \$63,300 to \$96,300 for FY19 and \$80,300 to \$147,300 for FY20. The estimated fiscal impact to other funds is \$12,400 for FY18, a range of \$16,400 to \$24,400 in FY19 and a range of \$20,400 to \$41,400 in FY20.

The Public Hearing was opened at 3:32; no comments were received.

A motion was made by Council Member Smith, seconded by Council Member Abbott, to approve Resolution No. 3328 for Executive Employees for the period of July 1, 2017 through June 30, 2020. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

10.4 Public hearing, consideration, discussion and possible approval of Amendment No. 1 to City Manager Stephen W. Driscoll's employment agreement (AC-5366) to increase the salary and benefits commensurate with other City Resolutions. (FOR POSSIBLE ACTION) (Time: 3:33 p.m.)

An agenda item from Human Resources Manager Mindy Falk recommending Council approve Amendment No. 1 to City Manager Stephen Driscoll's employment agreement to include the proposed salary and benefit changes. On May 8, 2017 City Council approved the extension of City Manager Stephen Driscoll's employment contract and delayed salary and benefit changes until after the collective bargaining agreements and employment resolutions had been finalized. Seven labor contracts and four employment resolutions have been approved by City Council and are in effect as of October 23, 2017. One remaining resolution was approved by Council as a previous agenda item today. There is an estimated \$6,850 impact to the general fund.

The Public Hearing was opened at 3:35; no comments were received.

A motion was made by Council Member Abbott, seconded by Council Member Bybee, to approve Amendment No. 1 to City Manager Stephen W. Driscoll's employment agreement to include the proposed salary and benefit changes. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

City Manager Driscoll thanked the Council for the opportunity to continue to serve the City of Sparks and its citizens. Council Member Dahir thanked Mr. Driscoll for all the work done at the City of Sparks.

11. Planning and Zoning Public Hearings and Action Items

11.1 None

12. Comments

12.1 Comments from the Public (Time: 3:36 p.m.)

Ron King said he was grateful for the acknowledgement of the A-1 group and spoke of concern with the lack of sufficient medical care in the area. Jacqueline Miller spoke of concern with the effects of traffic in the roundabout from the potential proposed development on Vista. Bill Wagner asked for information regarding the large financial payment due from the City of Sparks that he saw on the news. Mayor Martini requested the Financial Services Director to contact Mr. Wagner.

12.2 Comments from City Council and City Manager (Time: 3:43 p.m.)

Council Member Smith said the Veterans Memorial dinner/fundraiser held November 2 was a great success. Next year's event will be held at the Nugget on November 8, 2018.

City Manager Driscoll announced a vacancy on the Sparks Planning Commission for a 4-year term. Applications will be accepted until December 15, 2017.

Mr. Driscoll also said the proposed special concurrent meeting scheduled for December 4, 2017 to discuss regional homeless services has been cancelled and homeless services will be discussed at the regularly scheduled concurrent meeting in February 2018. Mr. Driscoll said based on a discussion with Mayor Martini, he plans to discuss future agendas and calendars for concurrent meetings, as well as what has been accomplished and what has not, with the managers from Reno and Washoe County. Mayor Martini suggested the Sparks Council discuss concurrent meetings

during a regular meeting; Mayor Martini said the meetings were beneficial in 2014 and were used to discuss regional issues; however, he is not seeing regional cooperation at this time. City Manager Driscoll will take that direction forward to the other agencies.

Mr. Driscoll suggested the second meeting in December be cancelled. No objections were expressed; therefore, the December 26, 2017 meeting will be cancelled.

13. Adjournment

Council was adjourned at 3:49 p.m.

GENO R. MARTINI, Mayor

ATTEST:

Teresa Gardner, City Clerk

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