



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, October 28, 2019

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, Charlene Bybee (present via telephone), Paul Anderson, Ed Lawson, Kristopher Dahir, City Manager Neil Krutz, Acting City Attorney Shirle Eiting, and City Clerk Lisa Hunderman, PRESENT. City Attorney Chet Adams, ABSENT.

### 3. Opening Ceremonies

#### 3.1 Invocation Speaker

The invocation was provided by Donna Sosnowski with the Baha'i faith after comment about the Baha'i Bicentenary from Dr. Bradley Corbin.

#### 3.2 Pledge of Allegiance

The Pledge of Allegiance was led by Council Member Lawson.

### 4. Public Comment

None

### 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 with removal of agenda item 8.2.

**Moved by:** Council Member Dahir

**Seconded by:** Council Member Anderson

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

**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 and Sparks Planning Commission Joint Workshop for September 23, 2019 and the Sparks City Council meeting for October 14, 2019.**

**Motion:** Move to approve the minutes for the Sparks City Council and Sparks Planning Commission Joint Workshop for September 23, 2019 and the Sparks City Council meeting for October 14, 2019.

**Moved by:** Council Member Abbott

**Seconded by:** Council Member Anderson

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

**No:** None

**Abstain:** None

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

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

**7.1 Board & Commission Vacancy Announcement: Airport Noise Advisory Panel**

City Manager Neil Krutz announced there is one (1) vacancy on the Airport Noise Advisory Panel for a (2) year term ending on 12/31/21. Applications can be submitted at [www.cityofsparks.us](http://www.cityofsparks.us) or with the City Clerk's Office and will be accepted through 5:00 p.m. on Friday, December 6, 2019.

**7.2 Board & Commission Vacancy Announcement: Enterprise Fund Advisory Committee**

City Manager Neil Krutz announced there are two (2) vacancies on the Enterprise Fund Advisory Committee for (4) year terms ending on 12/31/23. The vacancies on this committee must represent the residential or commercial construction industries. Applications can be submitted at [www.cityofsparks.us](http://www.cityofsparks.us) or with the City Clerk's Office and will be accepted through 5:00 p.m. on Friday, December 6, 2019.

**7.3 Board & Commission Vacancy Announcement: Sparks Senior Citizens Advisory Committee**

City Manager Neil Krutz announced there are two (2) vacancies on the Sparks Senior Citizens Advisory Committee, Alternate Ward 2, filling a partial term ending 11/2022 and Alternate Ward 5, filling a partial term ending 11/2020. An alternate exists for the purposes of attending a meeting and voting if a regular member cannot be present. Applicants should be Sparks residents over the age of 55. Applications can be submitted at [www.cityofsparks.us](http://www.cityofsparks.us) or with the City Clerk's Office and will be accepted through 5:00 p.m. on Friday, November 1, 2019.

**7.4 Board & Commission Vacancy Announcement: Sparks Citizens Advisory Committee**

City Manager Neil Krutz announced there are two (2) vacancies on the Sparks Citizens Advisory Committee, an alternate position for Ward 2, and a regular position for Ward 3. Both positions are coterminous with their appointing Council

member. Applications can be submitted at [www.cityofsparks.us](http://www.cityofsparks.us) or with the City Clerk's Office and will be accepted through 5:00 PM on Monday, December 16, 2019.

**7.5 Board & Commission Vacancy Announcement: Sparks Planning Commission**  
City Manager Neil Krutz announced there are two (2) vacancies on the Sparks Planning Commission for 4-year terms ending on 12/31/23. Applications can be submitted at [www.cityofsparks.us](http://www.cityofsparks.us) or with the City Clerk's Office and will be accepted through 5:00 p.m. on Friday, November 29, 2019.

**7.6 Board & Commission Vacancy Announcement: Sparks Charter Committee**  
City Manager Neil Krutz announced there are three (3) vacancies on the Sparks Charter Committee representing the Mayor and Wards 2 and 4. The appointments are coterminous with the elected term of office of the appointing members. Applications can be submitted at [www.cityofsparks.us](http://www.cityofsparks.us) or with the City Clerk's Office and will be accepted through 5:00 p.m. on Friday, November 15, 2019.

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

**Motion:** Move to approve consent items 8.1 through 8.5 as submitted, with 8.2 removed from discussion and vote.

**Moved by:** Council Member Anderson

**Seconded by:** Council Member Dahir

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

**No:** None

**Abstain:** None

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

**8.1 Consideration and possible acceptance of the report of the claims and bills approved for payment and appropriation transfers for the period of October 1, 2019 through October 11, 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 October 1, 2019 through October 11, 2019 as presented by staff.

**8.2 Consideration and possible approval of an application for a gaming license for Role Model LLC, DBA Cantina Los Tres Hombres, Victorian Square, located at 926 Victorian Avenue Sparks, Nevada 89431 submitted by Justin Steven Quinton. (FOR POSSIBLE ACTION)**

This item agenda item was removed from discussion at applicant's request.

**8.3 Consideration and possible approval of an application for a gaming license for Sartini Gaming, LLC DBA Woody's Grille and Spirits, located at 960 South McCarran Boulevard Sparks, Nevada 89431, submitted by Sean T. Higgins. (FOR POSSIBLE ACTION)**

An agenda item from applicant Sean Higgins and Police Chief Pete Krall requesting Council approval of Mr. Higgins's application for a Gaming license for Sartini Gaming, LLC DBA Woody's Grille and Spirits, located at 960 South McCarran Boulevard, contingent upon the approval from the State of Nevada Gaming Control Board, location being inspected and approved by every city, county, district, and state agency having jurisdiction over the matter and upon fingerprints being returned from the FBI/CJIS that do not reflect any disqualifying arrests/convictions.

**8.4 Consideration, discussion, and possible approval of a Final Map for Stonebrook Village B2 Subdivision. (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and City Engineer Jon Ericson requesting approval of a Final Map for Stonebrook Village B2 Subdivision. The Stonebrook Village B2 final map will create 60 residential lots within the Stonebrook Planned Development. The final map and civil improvement drawings have been reviewed by the Community Services Department and have been found to be acceptable.

**9. General Business**

**9.1 Consideration, discussion and possible approval of the appointments to the Sparks Citizens Advisory Committee (SCAC) for three (3) alternate positions, coterminous with their appointing elected officials, from the following pool of applicants, listed in alphabetical order: Cynthia Esparza (Ward 4) and Alan Munson (Ward 3). (FOR POSSIBLE ACTION)**

An agenda item from City Manager Neil Krutz requesting Council approval of appointments to the Sparks Citizens Advisory Committee (SCAC) for three (3) alternate positions, coterminous with their appointing elected officials, from the following pool of applicants, listed in alphabetical order: Cynthia Esparza (Ward 4) and Alan Munson (Ward 3). Council Member Bybee expressed support for Ms. Esparza's appointment.

**Motion:** Move to approve the appointments to the Sparks Citizens Advisory Committee for two (2) alternate positions, Wards 3 and 4, coterminous with their appointing elected officials.

**Moved by:** Council Member Anderson

**Seconded by:** Council Member Abbott

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

**No:** None

**Abstain:** None

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

**9.2 Consideration, discussion, and possible approval of a Customer Services Agreement (AC-5621) between the City of Sparks and Sierra Pacific Power Company dba NV Energy to provide the City with incentives of \$125,000 annually for each of the next three years, subject to the City remaining a bundled customer of NV Energy for the next five years. (FOR POSSIBLE ACTION)**

An agenda item from City Manager Neil Krutz and presented by Assistant City Attorney Brandon Sendall requesting Council approval of a Customer Services Agreement (AC-5621) between the City of Sparks and Sierra Pacific Power Company dba NV Energy. Sierra Pacific Power Company dba NV Energy has approached the City of Sparks and offered to provide the City with annual incentive payments of \$125,000 in years 2019, 2020, and 2021 (\$375,000 total) in exchange for the City's agreement to remain a bundled customer of NV Energy for the next five years. Mr. Sendall commented this agreement addresses governmental electricity loads and does not affect individual citizen's relationships with NV Energy. Additionally, this agreement does not address the Truckee Meadows Water Reclamation Facility, which is jointly owned and operated with the City of Reno. Linda Bissett with NV Energy Governmental Affairs and Council provided comment in support of the relationship with the City of Sparks.

**Motion:** Move to approve Customer Services Agreement (AC-5621) between the City of Sparks and Sierra Pacific Power Company dba NV Energy, to provide the City with \$125,000 annually for each of the next three years, subject to the City remaining a fully bundled customer of NV Energy for the next five years.

**Moved by:** Council Member Dahir

**Seconded by:** Council Member Anderson

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

**No:** None

**Abstain:** None

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

**9.3 Consideration, discussion and possible approval of agreement (AC-5617) with Refuse, Inc, dba Lockwood Regional Landfill, for the disposal of biosolids at the Lockwood Regional Landfill from the Truckee Meadows Water Reclamation Facility with an estimated annual cost of \$852,500 with the City of Sparks's share \$298,375.00. (FOR POSSIBLE ACTION)**

An agenda item from Assistant City Manager John Martini and presented by TMWRF Treatment Plant Manager Michael Drinkwater requesting Council approval of agreement (AC-5617) with Refuse, Inc, dba Lockwood Regional Landfill, for the disposal of biosolids at the Lockwood Regional Landfill from the Truckee Meadows Water Reclamation Facility with an estimated annual cost of \$852,500 with the City of Sparks's share \$298,375.00. The previous agreement with Refuse, Inc has expired. This agreement will set tipping fees for an initial 36-month period, with up to four mutually agreeable one-year extensions. Mayor Smith asked if fees are by the truckload; Mr. Drinkwater confirmed rates are measured by the ton with trucks averaging 10-15 tons per truckload.

**Motion:** Move to approve agreement (AC-5617) with Refuse, Inc, dba Lockwood Regional Landfill, for the disposal of biosolids at the Lockwood Regional Landfill from the Truckee Meadows Water Reclamation Facility.

**Moved by:** Council Member Abbott

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

**9.4 Consideration and possible approval of a professional service contract (AC-5620) with NCE in the amount of \$256,940 to develop Phase 1 of conceptual land and facility master plans for the Federal Lands Future Service Area. (FOR POSSIBLE ACTION)**

An agenda item from City Manager Neil Krutz and presented by Assistant Community Services Director Armando Ornelas requesting Council approval approval of a professional service contract (AC-5620) with NCE in the amount of \$256,940 to develop Phase 1 of conceptual land and facility master plans for the Federal Lands Future Service Area. A new FLFSA master plan will be prepared in two phases. The first phase, provided for by this proposed contract, will update portions of the previous analyses; undertake conceptual level land planning; assess environmental and drainage issues; and, evaluate possible new transportation links between Sparks, the potential industrial area on federal lands, and the Tahoe Reno Industrial Center.

**Motion:** Move to approve professional services contract (AC-5620) with NCE in the amount of \$256,940 to develop Phase 1 of conceptual land and facility master plans for the Federal Lands Future Service Area.

**Moved by:** Council Member Lawson

**Seconded by:** Council Member Abbott

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

**No:** None

**Abstain:** None

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

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

None

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

**11.1 SECOND READING, Public hearing, discussion, and possible adoption of Bill 2766 to rezone a site approximately 17,043 square feet in size located at 1620 Pyramid Way, Sparks, Nevada, from C1 (Neighborhood Commercial) to C2 (General Commercial) (PCN19-0027).**

An agenda item from applicant Michael E. Mardian and presented by Senior Planner Ian Crittenden recommending Council adoption of Bill 2766 to rezone a site approximately 17,043 square feet in size located at 1620 Pyramid Way, Sparks, Nevada, from C1 (Neighborhood Commercial) to C2 (General Commercial) (PCN19-0027). On September 5, 2019, the Sparks Planning Commission voted to forward a recommendation of approval for the rezoning request to the City Council.



Council asked if the parcel would be accessed directly off Pyramid Way; Mr. Crittenden informed it is currently the intent, however that detail would be addressed in the site application for use and worked out with the Nevada Department of Transportation in future planning.

Public Hearing was opened at 2:32 p.m.; there were no comments.

**Motion:** Move, based on Findings Z1 through Z3 as set forth in the staff report, to adopt Bill 2766, an Ordinance to rezone real property approximately 17,043 square feet in size and located at 1620 Pyramid Way, Sparks, Nevada from C1 (Neighborhood Commercial) to C2 (General Commercial).

**Moved by:** Council Member Lawson

**Seconded by:** Council Member Dahir

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

**No:** None

**Abstain:** None

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

**11.2 PUBLIC HEARING, consideration, discussion and possible action on an appeal from an administrative decision to revoke a Home Occupation Permit, which permitted the operation of a business at 3396 Laveaga Court, Sparks, Nevada in the SF6 (Single Family Residential) zoning district.**

An agenda item from business owner Clara Okosun and presented by Planning Manager Jim Rundle requesting Council consideration, discussion and possible action on an appeal from an administrative decision to revoke a Home Occupation Permit, which permitted the operation of a business at 3396 Laveaga Court, Sparks, Nevada in the SF6 (Single Family Residential) zoning district.

Clara Okosun has appealed an administrative decision to revoke a Home Occupation Permit (HOP) issued to her in 2015 to operate a home office for her business, Errand Lady Reno Sparks, Inc. During an investigation resulting from a citizen complaint, City staff found vehicles parked in the public right-of-way that were being offered for rent through the internet. SMC 20.03.020(B)(2) prohibits conducting any activity outside the living area of the residence in association with the home occupation. The HOP application submitted by Ms. Okosun specifies the request is for “using home as office only,” which does not include conducting vehicle rentals. SMC 20.03.020(C)(3) allows the City Manager to revoke a HOP if the permittee violates any standard in SMC 20.03.020 or if the application contains materially false information. This authority was exercised on September 4, 2019 and notice was provided to Ms. Okosun. Ms. Okosun appealed the decision to revoke her HOP on September 11, 2019.

Public Hearing was opened at 2:46 p.m.

Joy Osawe (daughter of Clara Okosun) and Ms. Okosun, provided public comment regarding advertisement difficulties, potential miscommunications and misperceptions

about items in her possession, and feeling targeted by neighbors. They also requested Council reconsider the decision to revoke their Home Occupancy Permit.

Public Comment was closed at 2:53 p.m.

Council Member Lawson noted an abundance of violations and notices against the property over several years indicate a business is being run out of the home illegally and it needs to stop immediately. Mr. Lawson asked Council to consider not revoking the Home Occupancy Permit while staff reviews alternatives to address these types of issues, including possible changes in ordinance. Acting City Attorney Shirle Eiting noted direction to staff would need to be addressed in Council Comments.

Council agreed with Mr. Lawson, the actions of Errand Lady do not reflect the spirit of the City of Sparks, are a clear violation and misuse of the Home Occupancy Permit, and expressed support in revising the ordinance so violations may be addressed. Council urged those in charge of Errand Lady to take this final opportunity to do the right thing, clean up their property, and work within the conditions agreed upon when the Home Occupancy Permit was approved.

**Motion:** Move to overturn the City Manager's revocation of the Home Occupancy Permit.  
**Moved by:** Council Member Lawson  
**Seconded by:** Council Member Dahir  
**Yes:** Council Members Abbott, Lawson, Anderson, Dahir, Bybee  
**No:** None  
**Abstain:** None  
**Vote:** Motion passed unanimously, 5-0.

## 12. Comments

### 12.1 Comments from the Public

Clara Okosun and Joy Osawe with Errand Lady provided additional public comment requesting Council not revoke the Home Occupancy Permit.

### 12.2 Comments from City Council and City Manager

Council Member Lawson directed the City Manager's office to propose code amendments that would allow Home Occupation Permits and potentially other permits to be revoked due to zoning violations occurring on the property. City Manager Krutz noted inadequacies currently exist in tools available to enforce Home Occupancy Permit and other permit violations, and he will work with staff and the City Attorney's office to develop alternatives.

Council Member Anderson commended those in the Woodtrail Park neighborhood for their commitment to cleaning the park. A neighborhood initiative led by resident Nancy Stammerly encourages active park cleanup at Woodtrail Park twice a year, and Mr. Anderson encouraged other neighborhoods to do the same.



Council Member Dahir reminded the public there will be a ribbon cutting ceremony at 9:00 a.m. on November 11, 2020 for the first phase of the Nevada Veterans Memorial at the Sparks Marina.

**13. Adjournment**

Council was adjourned at 3:12 p.m.

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Ronald E. Smith, Mayor

ATTEST:

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Lisa Hunderman, City Clerk

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**DRAFT**