



**REGULAR CITY COUNCIL MEETING MINUTES**

**2:00 P.M., Monday, April 9, 2018 2018**

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

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

The regular meeting of the Sparks City Council was called to order by Mayor Pro Tempore Ron Smith at 2:01 p.m.

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

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

ABSENT: Mayor Geno Martini, Council Member Ed Lawson.

**3. Opening Ceremonies**

**3.1 Invocation Speaker (Time: 2:01 p.m.)**

The invocation was provided by Pastor Barb West, Sparks Church of the Nazarene.

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

The Pledge of Allegiance was led by City Attorney Chet Adams. City Manager Driscoll asked for a moment of silence for John Roy Brook who passed away; he served as City Manager from 1967 to 1973. There will be a celebration of life for him and his wife on Saturday, April 14<sup>th</sup> at 12:30 p.m. at the Coney Island Bar.

**4. Public Comment (Time: 2:05 p.m.)**

A woman spoke anonymously about survivors of domestic violence and NRS 205.511 which authorizes victims to bring civil action. The citizen used the overhead projector to display documents for the Council; however, no documents were given to the Clerk.

**5. Agenda (Time: 2:10 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 Abbott, seconded by Council Member Bybee, to approve the agenda as submitted. Council Members Abbott, Smith, Bybee, Dahir, YES. Council Member Lawson, ABSENT. Passed unanimously with those present.

**6. Minutes (Time: 2:10 p.m.)**

**6.1 Consideration, discussion and possible approval of the minutes of the regular Sparks City Council meeting of March 26, 2018. (FOR POSSIBLE ACTION)**

A motion was made by Council Member Dahir, seconded by Council Member Abbott, to approve the minutes of the regular Sparks City Council meeting of March 26, 2018. Council Members Abbott, Smith, Bybee, Dahir, YES. Council Member Lawson, ABSENT. Passed unanimously with those present.

**7. Announcements, Presentations, Recognition Items and Items of Special Interest (Time: 2:11 p.m.)**

**7.1 Proclamation: Washoe County Bike Week (Time: 2:11 p.m.)**

Mayor Geno Martini proclaimed May 2018 as National Bike Month and the week of May 13-19, 2018 as Washoe County Bike Week, encouraging all citizens to enjoy the benefits of bicycling, recognize the importance of bicycle safety, and be more aware of cyclists on our streets. The Proclamation was read by Council Member Bybee and presented to John McCann with Truckee Meadows Bicycle Alliance. Bikewashoe.org has a complete list of activities for bike week.

**7.2 Proclamation: ALS Awareness Month (Time: 2:16 p.m.)**

Mayor Geno Martini proclaimed May 2018 as ALS Awareness Month and urged all citizens within Sparks to join in honoring and supporting the ALS Association Nevada Chapter as it is a worthwhile and dedicated organization. The Proclamation was read by Council Member Abbott, and presented to Council Member Dahir as a Board Member of the Nevada Chapter of the ALS Association. There will be a fundraising walk at the Marina on May 5<sup>th</sup>. Information on the walk can be found at [webnv.alsa.org](http://webnv.alsa.org).

**7.3 Presentation: Vision Zero (Time: 2:20 p.m.)**

Erin Breen, with the UNLV Transportation Research Center, as a Pedestrian Safety Advocate for Clark County and Rebecca Kapuler with the Regional Transportation Commission of Washoe County (RTC) gave a presentation on the vision zero movement which sets the goal of eliminating traffic fatalities and severe injuries.

**7.4 Presentation: Arts and Culture Advisory Committee Update (Time: 2:52 p.m.)**

Special Events Supervisor Francine Burge gave a presentation on projects the Arts and Culture Advisory Committee is currently working on such as education classes, a mobile art project for veterans with the David J. Drakulich Art Foundation, the galleries at work program and cultivating a more extensive communication plan. The committee was awarded a National Endowment for the Arts (NEA) grant, although it does not know the dollar amount yet.

**8. Consent Items (FOR POSSIBLE ACTION) (Time: 3:00 p.m.)**

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

**8.1 Report of Claims and Bills approved for payment and appropriation transfers for the period March 08, 2018 through March 21, 2018. (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, discussion and possible approval of a construction contract (AC-5459) to Thompson Garage Doors for the Fire Station 1 Rollup Door Replacement Project in the amount of \$90,030.52. (FOR POSSIBLE ACTION)**

An agenda item from Capital Projects Manager Brian Cason recommending Council approve the construction contract. The Fire Station 1 rollup doors are coming to the end of their useful life due to the wear and tear on the mechanical hardware and door panels. The mechanical hardware, door panels, rollers, and tracks are constantly requiring maintenance. This project will replace all mechanical hardware, rollers, tracks, door panels and other incidental parts to assure the fire department can react in a timely manner to the public's needs. Funding is from the capital facilities fund; there is no impact to the general fund.

**8.3 Consideration, discussion and possible approval of a construction contract (AC-5460) to PowerComm Solutions, Inc. for the Theater Parking Garage Security Camera System Replacement Project in the amount of \$70,631.64. (FOR POSSIBLE ACTION)**

An agenda item from Capital Projects Manager Brian Cason recommending Council approve the construction contract. Because of the redevelopment occurring throughout downtown Victorian Square, the City Council approved \$750,000 in redevelopment area 1 funds to make improvements to the parking garage adjacent to the theater. The Victorian Square Parking Structure was built in 1996, more than 20 years ago. The existing security camera system software and camera technology installed in the early 2000's is not serviceable and is outdated compared to the advanced technology on the market today. The new security camera system will improve the clarity of the video surveillance recordings, provide additional storage, and allow the city the opportunity to access the recordings in real time. This system will provide surveillance to deter crime and vandalism within the garage and increase public safety. The recordings and real-time event viewing will assist authorities in reacting, preventing, and prosecuting crimes. Funding is from the redevelopment area 1 fund; there is no impact to the general fund.

**8.4 Consideration, discussion and possible approval of an Inspection and Testing Services contract (AC-5461) to Black Eagle Consulting, Inc. for the La Posada Roundabout and Road Improvements in the amount of \$145,184. (FOR POSSIBLE ACTION)**

An agenda item from City Engineer Jon Ericson recommending Council approve the contract. La Posada Drive between Omni Drive and Rockwell Blvd is currently a two-lane arterial road that sits on the boundary of the City of Sparks and Washoe County. This roadway is the main east/west connector for the Spanish Springs/Cimarron area to the Pyramid Highway. The Stonebrook Subdivision is currently under construction with phases A1, B1 and D1. When completed, the anticipated increase in single-family homes will be over 2,100. The improvements on La Posada Drive will increase the current roadway from two lanes to four lanes and will include a walking path that will connect the existing sidewalk at Rockwell Blvd to the existing path from Cordoba Blvd on the south side. The improvements will also include a new roundabout at the intersection of Omni/Stonebrook and La Posada. Funding is from the development services fund; there is no impact to the general fund.

**8.5 Consideration, discussion and possible approval of a reimbursement to the City of Reno for Sparks' share of a contract (AC-5463) with Olcese Construction Inc. for the Truckee Meadows Water Reclamation Facility**

**(TMWRF) 2018 Digester #2 Cleaning Project in an amount not to exceed \$73,092.10. (FOR POSSIBLE ACTION)**

An agenda item from Treatment Plant Manager Michael Drinkwater recommending Council approve the reimbursement. The digesters at TMWRF help to stabilize and degrade biological solids prior to dewatering and disposal of the material. This process also produces methane gas that is used to heat the digestion process, heat the facility and operate the co-generation engine. The digesters require rehabilitation to maintain reliable service. The first task of completing the rehabilitation of Digester #2, one of the three original digesters at TMWRF, is to remove it from service and have it cleaned, followed by lighting and access scaffolding, to allow for internal inspection. The scope of any required rehabilitation work will be developed after a thorough inspection of the interior of the digester. Funding is from the sanitary sewer operations fund; there is no impact to the general fund.

**9. General Business**

**9.1 Consideration, discussion and possible direction to the City Manager to initiate amendments to Title 12 of the Sparks Municipal Code regarding principal park rules in Sparks to prohibit smoking and vaping in Sparks' parks. (FOR POSSIBLE ACTION) (Time: 3:01 p.m.)**

An agenda item from Parks & Recreation Director Tracy Domingues recommending Council direct the City Manager to proceed with Sparks Municipal Code amendments. In January 2017, the Sparks Parks and Recreation Commission attended a concurrent meeting with the respective Commissions for Washoe County and the City of Reno. During this meeting, the Washoe County Health District presented the concept of creating smoke-free parks in the Truckee Meadows. At the concurrent meeting, each Commission gave direction to move forward with exploring the possibility of creating smoke-free parks. A subcommittee with a member from each jurisdiction was formed and has been working on this topic for the past year.

The Sparks Parks and Recreation Commission discussed this item at their regular meeting on January 24, 2018, and voted to forward a recommendation to City Council to create an Ordinance that would prohibit smoking and vaping within all City of Sparks' parks. The three items approved by the Parks and Recreation Commission were for Sparks' parks to be smoke and vape-free; smoke and vape-free to be enforced in the entire park including parking lots; and smoke and vape-free to be enforced by Ordinance. The primary enforcement of the smoke-free/vape-free park policy would be through new signage in parks and social pressure to not smoke in the parks. Staff does not anticipate law enforcement actively patrolling parks looking for Ordinance related violations. Staff would notify residents via current communication channels including social media and press releases; appropriate signage posted at/in parks, trails and open space; as well as through communications with athletic associations, tournament directors and community groups that utilize park facilities. Staff would apply for grant funds through the Washoe County Health District to assist with signage creation costs. There is no impact to the general fund.

Council expressed concerns on what the penalty would be for violating the Ordinance, that Victorian Square be an exception to the Ordinance, if Sparks would be the first city in Nevada to have an Ordinance for smoke-free parks, and why would the city pass an Ordinance it isn't going to enforce.

Public Comment was opened at 3:12 p.m. Kelli Goatley-Seals from Washoe County Health District spoke in favor of the Ordinance, stating the City of Henderson adopted a smoke-free

Ordinance last year, so there is precedence. Casey Connolly spoke in favor of the Ordinance for smoke-free and vape-free parks, stating the benefits the same type of Ordinance has had at the University of Nevada, Reno. Geanette Orton with the Truckee Meadows Parks Foundation spoke in favor of the Ordinance, stating the foundation conducted a smoking in parks survey and a majority of people that responded would be in favor of a smoke-free parks Ordinance.

City Attorney Adams referenced the letters of support the city received that are attached to the agenda and said the Attorney's office would be willing to prosecute a violation of the Ordinance as a misdemeanor. Council asked about enforcement of no alcohol use in Parks. City Manager Driscoll gave an overview of how enforcement and penalties are currently handled in the City of Sparks.

Police Chief Allen explained how misdemeanor crimes are currently handled within the Sparks Police Department, including other violations that may be noticed during the handling of the misdemeanor event.

A motion was made by Council Member Dahir, seconded by Council Member Bybee, to direct the City Manager to initiate amendments to Title 12 of the Sparks Municipal Code regarding principal park rules in Sparks to prohibit smoking and vaping in Sparks' parks. Council Members Abbott, Bybee, Dahir, YES. Council Member Smith, NO. Council Member Lawson, ABSENT. Motion Carried 3-1.

**9.2 Consideration, discussion and possible approval of the Fourth Amended Interlocal Agreement regarding the purchase of Water Rights pursuant to the Truckee River Water Quality Settlement Agreement (A-2311) between the City of Sparks, the City of Reno, and Washoe County which considers payment from the Water Quality Settlement Agreement fund, managed by Washoe County, to the Truckee-Carson Irrigation District (TCID) of any final program costs and disbursement of remaining funds to City of Reno, City of Sparks, and Washoe County with a potential positive impact of approximately \$14,300 to the sewer fund. (FOR POSSIBLE ACTION) (Time: 3:30 p.m.)**

An agenda item from Utility Manager Andy Hummel recommending Council approve the amendment. On October 10, 1996, the City of Sparks, the City of Reno, Washoe County, the U.S. Environmental Protection Agency, Nevada Division of Environmental Protection, the Pyramid Lake Paiute Tribe, the U.S. Department of Justice and U.S. Department of Interior entered into the Water Quality Settlement Agreement (WQSA) for the purpose of establishing a water rights purchase program to acquire \$24,000,000 worth of Truckee River water rights to maintain instream flows and improve water quality in the Truckee River and Pyramid Lake. The three local governments pledged to spend \$12,000,000 using sewer user fees and sewer connection fees. The federal government appropriated \$12,000,000 for the purchase of tribal water rights for the same program working through the Pyramid Lake Paiute Tribe (PLPT).

Reno, Sparks and Washoe County signed an interlocal agreement dated July 28, 1998, creating the Local Government Oversight Committee (LGOC), which includes representatives of each jurisdiction. A third amendment to the interlocal agreement dated April 22, 2013 provided that part of the remaining investment earnings could be used for retaining outside legal counsel for representation pertaining to possible protests and hearings before the State Engineer along with any subsequent appeals in the court of law on the water right's transfer applications. The need for

outside legal counsel was minimal as no hearings were required before the State Engineer or a court of law; as of January 31, 2018, there is the approximate sum of \$725,226.11 remaining in the account.

As a result of the water rights purchases for the WQSA, the entities were required to enter into an agreement with Truckee-Carson Irrigation District (TCID) in 2002 to pay the assessments for operations and maintenance pursuant to Chapter 539 of the Nevada Revised Statutes. For the past four years, the annual assessment payments to TCID have been the amount of \$20,595.07. The Agreement with TCID provides that the entities can make a one-time payment as full payment for all future assessments. The one-time payment assessment amount to conclude the agreement is \$682,231.48. Funding is from the WQSA fund managed by Washoe County; there is no impact to the general fund. Washoe County approved the amendment on March 27 and the City of Reno will hear the amendment on April 11.

A motion was made by Council Member Bybee, seconded by Council Member Abbott, to approve the Fourth Amended Interlocal Agreement regarding the purchase of Water Rights pursuant to the Truckee River Water Quality Settlement Agreement between the City of Sparks, the City of Reno, and Washoe County which considers payment from the Water Quality Settlement Agreement fund, managed by Washoe County, to the Truckee-Carson Irrigation District of any final program costs and disbursement of remaining funds to City of Reno, City of Sparks, and Washoe County with a potential positive impact of approximately \$14,300 to the sewer fund. Council Members Abbott, Smith, Bybee, Dahir, YES. Council Member Lawson, ABSENT. Passed unanimously with those present.

**9.3 Consideration, discussion and possible approval of a construction contract (AC-5462) to Sprinturf, LLC for the Golden Eagle Regional Park Synthetic Turf Replacement - Fields 7 & 8, Rebid No. 17/18-014, PWP #WA-2018-048, in the amount of \$1,150,547. (FOR POSSIBLE ACTION) (Time: 3:36 p.m.)**

An agenda item from Capital Projects Manager Brian Cason recommending Council approve the construction contract. Golden Eagle Regional Park was originally completed in April 2008. Since completion, the park has seen extensive programming and use of all the athletic fields. The City of Sparks worked with Lloyd Civil & Sports Engineering to develop a long-term asset management/replacement plan for the synthetic fields in 2016. Based on this study which included an onsite review of the synthetic turf fields and impact attenuation testing of the fields, the Multi-Use Fields 7 & 8 have reached the end of their useful life and require replacement. The fields will be shut down for replacement from June 11<sup>th</sup> until July 31<sup>st</sup>. Funding is from the park & recreation project 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 to Sprinturf, LLC for the Golden Eagle Regional Park Synthetic Turf Replacement - Fields 7 & 8 in the amount of \$1,150,547. Council Members Abbott, Smith, Bybee, Dahir, YES. Council Member Lawson, ABSENT. Passed unanimously with those present.

**9.4 Consideration, discussion and possible approval of the purchase of dewatering polymer from Polydyne Inc. for the Truckee Meadows Water Reclamation Facility (TMWRF) at a delivered unit price of \$2.0144 per pound and an estimated annual cost of \$355,190 to the City of Sparks. (FOR POSSIBLE ACTION) (Time: 3:40 p.m.)**

An agenda item from Treatment Plant Manager Michael Drinkwater recommending Council approve the purchase. Polymer is used in two processes at TWMRF, dewatering and primary clarification. Polymer is added to the sludge prior to dewatering in the centrifuge to aid in the separation of water from the biosolids. In primary clarification, polymer is used as a coagulant to facilitate precipitation of solids. The volume of polymer usage in these processes is split approximately 50:50. TMWRF will joinder onto an existing contract between Polydyne, Inc. and Los Angeles County Sanitation District, California, for the purchase of the dewatering polymer. Funding is from the joint treatment plant fund; there is no impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Abbott, to approve the purchase of dewatering polymer from Polydyne Inc. for the Truckee Meadows Water Reclamation Facility at a delivered unit price of \$2.0144 per pound and an estimated annual cost of \$355,190 to the City of Sparks. Council Members Abbott, Smith, Bybee, Dahir, YES. Council Member Lawson, ABSENT. Passed unanimously with those present.

**9.5 Consideration and possible direction to the City Attorney's Office to petition the appropriate court for injunctive relief and/or to abate the nuisance on the property commonly referred to as 555 Dermody Way, Sparks, Nevada; the estimated cost of the abatement is approximately \$13,000 for six months of abatement and is dependent on the eventual order of the District Court. (FOR POSSIBLE ACTION) (Time: 3:41 p.m.)**

An agenda item from Chief Assistant City Attorney Shirle Eiting recommending Council direct the City Attorney's Office to petition for injunctive and declaratory relief to abate. The property located at 555 Dermody Way in Sparks, Nevada has been abandoned for a number of years. Over the last two years the city has cited the owner of the property for both building code violations and fire code violations numerous times. The owner is also facing criminal charges in Sparks Municipal Court relating to the code violations and the failure to secure and maintain the property. Due to the owner's failure to secure and maintain the property illegal dumping, vandalism and other illegal activities have been and are taking place on the property. The city has sent certified letters noticing the responsible party, Ronnie Shemesh, numerous times to inform him of the various violations and criminal charges. Because of the dumping taking place at the property and the owner's failure to secure the buildings, a dangerous condition now exists. This dangerous situation is evident in the occurrence of four fires that have taken place in the last three weeks, with the fourth fire occurring April 9, 2018. The condition of the property puts city personnel and others in danger. There is a \$13,000 impact to the general fund.

Public Comment was opened at 3:42 p.m. James O'Brien talked about his concerns about the property and some of the activity occurring on the property.

A motion was made by Council Member Dahir, seconded by Council Member Bybee, to direct the City Attorney's Office to petition the appropriate court for injunctive and declaratory relief to abate the nuisance at 555 Dermody Way, Sparks, Nevada. Council Members Abbott, Smith, Bybee, Dahir, YES. Council Member Lawson, ABSENT. Passed unanimously with those present.

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

**10.1 PUBLIC HEARING, consideration and possible action on a request from the Sparks Redevelopment Agency for an order (AB-146) to vacate portions of public right-of-way on the westerly side of 9th Street and the easterly side of**



**10th Street adjacent to 955 C Street (C Street Garage). (FOR POSSIBLE ACTION) (Time: 3:46 p.m.)**

An agenda item from City Engineer Jon Ericson recommending Council approve the order to vacate portions of public right-of-way. On December 11, 2017, the Sparks Redevelopment Agency (SRA) and Sparks City Council approved a Disposition and Development Agreement (Agreement) with SWD Partners, LLC (Developer). The Agreement provides the Developer the right to acquire a parcel located at 955 C Street improved with a public parking garage for the purpose of renovating the parking garage and constructing, atop of the garage, a new high-density apartment building referred to as The Deco (Project).

On February 26, 2018, the Sparks City Council and the SRA approved Amendment No. 1 to the Agreement to permit the Developer to construct the apartment component and seek approval to convert the apartments to condominium units at a future date.

The SRA owns the C Street Garage parcel which is bound to the east by 9th Street and 10th Street to the west. The SRA is assembling a parcel for the Project and requested the Sparks City Council to vacate portions of the public right-of-way on the westerly side of 9th Street and the easterly side of 10th Street. The SRA will convey the assembled property to the Developer for the Project as outlined in the Agreement. There is no impact to the general fund.

The Public Hearing was opened at 3:48; no comments were received.

A motion was made by Council Member Abbott, seconded by Council Member Bybee, to approve the request from the Sparks Redevelopment Agency to vacate portions of public right-of-way on the westerly side of 9th Street and the easterly side of 10th Street adjacent to 955 C Street (C Street Garage) as outlined by staff. Council Members Abbott, Smith, Bybee, Dahir, YES. Council Member Lawson, ABSENT. Passed unanimously with those present.

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

**11.1 None**

**12. Comments**

**12.1 Comments from the Public (Time: 3:49 p.m.)**

Ralph Thomas, Council Member Bybee's father announced that April 10<sup>th</sup> is Ms. Bybee's birthday.

**12.2 Comments from City Council and City Manager (Time: 3:50 p.m.)**

City Manager Driscoll requested Police Chief Allen talk about National Telecommunications Week and National Dispatch Week, which was this week. Chief Allen spoke about the work the city's dispatch center does and commended the dispatchers on the hard work and dedication. Council Member Dahir requested the City Manager look at an Ordinance for panhandling to assure the city is prepared for any issues that might arise out of the City of Reno recently passing an Ordinance against panhandling. Council Member Abbott said he did a sit along in dispatch and recognized that it has been fifty years since the first 911 call.



**13. Adjournment**

Council was adjourned at 3:54 p.m.



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GENO R. MARTINI, Mayor

/djd

ATTEST:



Teresa Gardner, City Clerk

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