



MAYOR  
Geno Martini

CITY COUNCIL  
Julia Ratti, Ward I  
Ed Lawson, Ward II  
Ron Smith, Ward III  
Mike Carrigan, Ward IV  
Ron Schmitt, Ward V

CITY ATTORNEY  
Chet Adams

## REGULAR CITY COUNCIL MEETING MINUTES

2:00 P.M., Monday, March 10, 2014

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 Julia Ratti, Ed Lawson, Ron Smith, Mike Carrigan, Ron Schmitt, Acting City Manager Stephen Driscoll, City Attorney Chet Adams and City Clerk Teresa Gardner, PRESENT.

ABSENT: None

Staff Present: Chris Syverson, Andy Hummel, Ron Korman, Jon Ericson, John Martini, Michael Drinkwater, Tom Garrison, Jeff Cronk, Neil Krutz, Tracy Domingues, Adam Mayberry, Dan Marran, George Graham, Bill Lutsch, Kim Laber, Todd Saxberg, Brian Allen, Armando Ornelas, Jim Rundle, Shirle Eiting, Donna DiCarlo

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

The invocation was provided by Brad Dyrness of Sparks Nazarene Church

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

The Pledge of Allegiance was led by Council Member Ratti.

**Comments from the Public** (Time: 2:02 p.m.)

Mr. Ronald E. MaGee spoke regarding issues with the Veterans Administration and crosswalk painting.

**Approval of the Agenda** (Time: 2:06 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 submitted. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

3. **Recommendation to Approve Minutes of February 24, 2014** (Time: 2:07 p.m.)

3.1 **Consideration and possible approval of the minutes of the regular Sparks City Council Meeting for February 24, 2014**

A motion was made by Council Member Lawson, seconded by Council Member Ratti, to approve the minutes of the Regular Meeting of February 24, 2014 as outlined by staff. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

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

(Time: 2:07 p.m.)

**4.1 Proclamation "One Kind Cookie Month" (Girl Scouts of Nevada)** (Time: 2:07 p.m.)

Mayor Martini proclaimed March 2014 as "One Kind Cookie Month" and encouraged everyone to participate by gifting a box of Girl Scout Cookies to those whom you feel embody the word "Kindness" within their thoughts, actions, and words to support making our community a kinder, safer and more peaceful community. The proclamation was awarded to Emilie Rodriguez, Baylee Mee, Marissa Flanders.

Council Member Ratti thanked the Girl Scout leaders and said the "One Kind Cookie Month" campaign was developed by local girls in the Northern Nevada Council, which is the smallest in the nation, and was adopted by Girl Scouts USA, which makes us the Biggest Little Council in the Nation. The campaign took the current cookie program and focused on how to solve the problem of bullying.

**4.2 Proclamation "American Red Cross Month"** (Time: 2:14 p.m.)

Mayor Martini proclaimed March 2014 as "American Red Cross Month" and encouraged all Americans to support this organization and its noble humanitarian mission. The proclamation was awarded to American Red Cross Regional Chief Executive Officer Clara Andriola.

Ms. Andriola said there will be a luncheon at 11:30 on March 26 at the Atlantis to honor this year's nominees and winners of American Red Cross Hero awards. Council Member Ratti thanked the local Red Cross for their contributions and efforts in our community year-round.

**4.3 Presentation on the Reno Tahoe Airport Authority 5-Year Strategic Plan**  
(Time: 2:20 p.m.)

Sparks Community Relations and Government Affairs Managers and Sparks appointment to the Reno Airport Authority Adam Mayberry introduced Reno Tahoe Airport Authority President and CEO Marily Mora. Ms. Mora presented the Airport Authority's 5-year strategic plan She said the area is excited about the opening of Atlantic Aviation in April. Ms. Mora said Stead Airport has been selected as one of four test sites for unmanned aircraft in Nevada.

Council Member Lawson asked what the area can expect from the UAS testing. Ms. Mora detailed how the collaborative effort among the jurisdictions of Washoe County, City of Sparks and City of Reno, GOAD, EDAWN and others will gain exposure for new technological business technological opportunities and economic development.

Council Member Carrigan asked about subsidizing flights to New York and Washington D.C. in order to gain more direct service routes. Ms. Mora said the Airport Authority is working in collaboration with tourism and business communities to support more direct service to various destinations on the east coast.

Mr. Schmitt mentioned American Airlines' trends to raise pricing and possibly dropping service in and out of the region.

**4.4 Presentation on the Biggest Little City Movement** (Time: 2:35 p.m.)

Abbi Whitaker, with Jamie Kingham, Ronnie Parker and Scott Dempsey, presented the Biggest Little City Movement, a grassroots effort to redefine the area and how anyone can do just about anything here. A press conference will be held at UNR on April 15 at 10:00 am; Ms. Whitaker requested all Sparks City Council members to join the RSCVA, City of Reno, Chamber, EDAWN and others to announce the community pride movement. The group will reinforce the region's tagline "Biggest Little City" as it is known worldwide. Ms. Whitaker announced the group's solicitation of Biggest Little Stories that portray why locals and visitors love our northern Nevada community.

Mayor Martini and Council Members Schmitt, Carrigan, Ratti, Lawson and Smith expressed enthusiasm for Ms. Whitaker and the Biggest Little City Movement.

**5. Consent Items** (Time: 2:49 p.m.)

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the consent items as submitted. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

**5.1 Report of Claims and Bills approved for payment and appropriation transfers for the period February 6, 2014 through February 19, 2014. (FOR POSSIBLE ACTION)**

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

**5.2 Consideration and possible approval of the destruction/disposal of original building plans and associated documents that have been microfilmed (City Clerk's Office). (FOR POSSIBLE ACTION)**

An agenda item from Records Technician Carrie Brooks recommending Council approve the destruction/disposal of original building plans and associated documents that have been microfilmed on the Box 83 - 2014 list. There is no impact to the general fund.

**6. General Business**

**6.1 Consideration, discussion, and possible action on refund of Alcohol License Fees to Lynne Davidson, previous owner of the Elbow Room. (FOR POSSIBLE ACTION)** (Time: 2:49 p.m.)

An agenda item from Employee and Customer Service Manager Chris Syverson on behalf of Lynne Davidson recommending Council review and possibly take action on the request for a refund of Alcohol License Fees.

Ms. Syverson said in her experience in her position, refunds of business license fees have not been made and warned this action may release of flood of refund requests. Council Member Carrigan said Ms. Davidson paid her business license fees and taxes as required for the entire time she was in business and believed her request should be granted. City Attorney Chet Adams said it would be more appropriate to set a standard for business license refunds in order to avoid potential legal issues.

A motion was made by Council Member Lawson, seconded by Council Member Carrigan, to refund the Alcohol License Fee prorated to the date the customer notified the city that the

business closed. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, NO. Motion carried 4-1.

**6.2 Consideration and possible approval of the North Truckee Drain Realignment Phase 1 Change Order 1 to Q&D Construction, Inc. (C-1394) in the amount of \$3,396,029.25. (FOR POSSIBLE ACTION) (Time: 3:01 p.m.)**

An agenda item from Utility Manager Andy Hummel recommending Council approve Change Order 1 to C-1394 with Q&D Construction for the North Truckee Drain Realignment Phase 1 project. The Truckee River Flood Management Authority will reimburse the City of Sparks \$4,750,000 for eligible North Truckee Drain Relocation construction expenses. As the City of Sparks receives invoices from the contractor, Q&D Construction, the City will request reimbursement from the Truckee River Flood Management Authority. This funding source will allow for the augmentation of the \$12,000,000 North Truckee Drain Relocation Phase 1 budget that was approved in the FY14 CIP. Change Order 1 presents an opportunity for the City of Sparks to complete the downstream connection of the Project to the Truckee River. Bid unit prices for quantities being extended are being held at the same as the Phase 1 Project, as bid by Q&D. Time of completion is being held at one year per the original contract.

Council Member Schmitt supports this action because the City of Sparks now has a flood channel. Council Member Lawson asked how much would be left of the CIP if this motion passes. Mr. Hummel responded that \$2.6M will be left going forward. Council Member Schmitt asked if there is an estimate for Phase 3 costs. Mr. Hummel said he believed it would be at least \$13M. Council Member Carrigan stated that the city is paying cash for this project; there is no interest and Sparks is getting something done for flood control.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Change Order 1 to C-1394 with Q&D Construction, Inc. for the North Truckee Drain Realignment Phase 1 project in the amount of \$3,396,029.25. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

**6.3 Consideration and possible approval of a Capital Contribution Front Ending Agreement (CCFEA) with Rising Tides, LLC (Developer of Record) for offered capacity improvements to be made to Lazy 5 Parkway and David Allen Parkway. (FOR POSSIBLE ACTION) (Time: 3:08 p.m.)**

An agenda item from City Engineer John Martini recommending Council approve the Capital Contribution Front Ending Agreement (CCFEA) with Rising Tides, LLC. This is an agreement between Rising Tides, LLC, (Developer of Record), the RTC of Washoe County and the City of Sparks whereby the developer will receive Regional Road Impact Fee credits in an amount equaling the fair value of the right of way dedication and roadway improvements for David Allen Parkway and a portion of Lazy 5 Parkway, estimated at \$4,084,527. These improvements were dedicated to the City of Sparks in support of a major medical facility to be located in the Kiley North New Urban District. This CCFEA was considered and approved by the RTC Board on July 19, 2013. There is no impact to the general fund.

Assistant Community Services Director John Martini provided project history. He said the original developer completed the project in 2008, but dedication did not occur. Regional Road Impact Fee credits are made available upon roadway dedication. Time has passed and receipts for the work completed are not available since the ownership has changed. Thus, an estimate of the credit at fair market value has been made based on 2007 costs, less 30%. Rising Tides LLC

seeks to make those credits available to them in exchange for the dedication and roadway improvements of Lazy 5 Parkway and David Allen Parkway.

Regional Transportation Commission (RTC) Senior Engineer Julie Masterpool said operations policies indicate the estimation process is an option and it is allowable to transfer impact fee credits and this process has been followed in the past.

Council Member Smith cautioned that the credit value can change with the vehicle miles traveled (VMT.)

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve the Capital Contribution Front Ending Agreement (CCFEA) with Rising Tides, LLC as outlined by staff. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, NO. Motion carried 4-1.

**6.4 Consideration and possible approval of payment totaling \$58,258 to W. Keith Mentzer, Trustee of the Keith Mentzer and Edith Page Mentzer Family 1991 Trust for Temporary Construction Easement and Storm Drain Pipeline Easement for the North Truckee Drain Project. (FOR POSSIBLE ACTION)**  
(Time: 3:22 p.m.)

An agenda item from Utility Manager Andy Hummel recommending Council approve the payment for the temporary construction easements. Construction of the North Truckee Drain realignment project will require substantial acquisition of easements and right-of-way for both construction access and permanent facilities. The property owner associated with this item is affected by future portions of the project, and an offer totaling \$58,258 for easements was presented and accepted by the property owner. Funds are budgeted in the CIP; there is no impact to the general fund.

There are two easements remaining, with Krug and Estes Terminals; negotiations are in process as to value. The construction easement is for a 5-year period.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the payment totaling \$58,258 to W. Keith Mentzer, Trustee of the Keith Mentzer and Edith Page Mentzer Family 1991 Trust for Temporary Construction Easement and Storm Drain Pipeline Easement for the North Truckee Drain Project. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

**6.5 Consideration and possible direction to initiate amendments to Title 13 and Title 15 of the Sparks Municipal Code to allow the collection of sewer connection fees (sanitary sewer, storm drain and river flood) and residential construction tax to be deferred from building permit issuance to prior to issuance of certificate of occupancy. (FOR POSSIBLE ACTION)** (Time: 3:26 p.m.)

An agenda item from Assistant Community Services Director John Martini recommending Council direct staff to initiate amendments to Title 13 and Title 15. The Builders Association of Northern Nevada has requested the local jurisdictions responsible for issuing building permits consider the deferral of building permit fees from the time of building permit issuance to prior to certificate of occupancy.



At the December 9, 2013 City Council meeting, Councilman Lawson formerly requested that City Staff investigate the issues related to allowing for fees to be deferred. Staff has completed its investigation (see analysis) and has determined that the only formal action required by the Sparks City Council is to initiate amendments to Sparks Municipal Codes Title 13 (sanitary sewer, storm drain and river flood fees) and Title 15 (residential construction tax) to allow for payment of sewer connection fees and residential construction tax to be deferred from building permit issuance to prior to certificate of occupancy. There is no impact to the general fund.

The biggest risk will be that a building is completed, ready for the certificate of occupancy (COO) and for whatever reason, the builder will request a temporary COO and that the City will need to stand firm that the COO will not be issued until the final fees are paid. Mr. Martini said typically escrow will not be closed unless all fees are paid and he supports adding that to the code. Mr. Schmitt is concerned this may adversely affect a small contractor. Mr. Martini reiterated his office seeks permission to present revised code to the Council and he seeks to make Sparks' policy consistent with the City of Reno and Washoe County.

**Public Comment:**

- Builders Association of Northern Nevada Executive Director Mike Dillon said the City of Reno is scheduled to hear this item March 26 or possibly their first meeting in April; he has heard no confirmation date for Washoe County to hear the issue. The Builders Association supports and is encouraged by the multi-jurisdictional buy-in.

A motion was made by Council Member Lawson, seconded by Council Member Schmitt, to direct the City Manager to prepare and bring forward for City Council consideration amendments to Titles 13 and 15 of the Sparks Municipal Code to allow the collection of sewer connection fees (sanitary sewer, storm drain and river flood) and residential construction tax to be deferred from building permit issuance to prior to issuance of certificate of occupancy. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

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

### **7.1 Public hearing and possible approval of Resolution No. 3253 approving the sale by the Redevelopment Agency of the City of Sparks of a 10.2 acre parcel located on Marina Gateway Drive between East Prater Way and Lincoln Way and having Assessor's Parcel Number 037-020-50 to LandCap Sparks, LLC. (FOR POSSIBLE ACTION) (Time: 3:49 p.m.)**

An agenda item from City Planner Armando Ornelas recommending Council approve Resolution No. 3253. The Redevelopment Agency formally solicited offers by issuing a "Request for Offers to Purchase a 10.2 Acre Parcel – APN 037-020-50" on October 11, 2013. LandCap submitted the sole response and offer to purchase the property by the submittal deadline of November 13, 2013. Staff presented their offer to the Redevelopment Agency's Board of Directors on December 9, 2013 and the Agency Board directed City staff to negotiate a sale and purchase agreement with LandCap. This agenda item asks the City Council to adopt a resolution approving the Redevelopment Agency's sale of the property; the Agency may sell property only after the City Council approves the sale by resolution after notice and public hearing, as prescribed by NRS 279.630 (3).

The sales price is \$2,250,000, which the Redevelopment Agency would receive as follows: \$500,000 as deposits or due at close of escrow; six semi-annual principal reduction payments of

\$150,000; and an \$850,000 balloon payment at the end of three years. The buyer will make monthly interest payments (at a 4% annual interest rate) on the outstanding loan amount. The buyer may pre-pay the loan without a penalty.

The terms of this offer differ from those of the original offer:

- In exchange for LandCap providing the City more money sooner, they requested a reduction from \$2.4M to \$2.25M; and
- Adjustment of City carrying \$1.75M instead of \$1.9M; and
- Interest rate reduction from 6% to 4%.

Public Hearing opened:

- Sparks citizen David Dahl made himself available for questions. There were no questions. There were no additional public comments. Public Hearing closed.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to adopt Resolution No. 3253 approving the Redevelopment Agency's sale of their 10.2 acre property to LandCap Sparks, LLC. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

## **8. Planning and Zoning Public Hearings and Action Items**

### **8.1 PCN13021 – Consideration and possible action to amend the master plan from Industrial (I) to Tourist Commercial (TC) on site approximately 10.5 acres located at 1795, 1817, 1819, 1845 and 1865 Glendale Avenue. (FOR POSSIBLE ACTION) (Time: 3:57 p.m.)**

An agenda item from Senior Planner Karen Melby, presented by City Planner Armando Ornelas, recommending Council certify the master plan amendment. The Planning Commission also recommends approval. Baldini's Casino property consists of six parcels for a total of 10.45 acres. The properties are designated on the Sparks Land Use Plan as Industrial. The applicant is requesting the master plan amendment to change the land use from Industrial to Tourist Commercial. The parcel the casino building is located on is currently zoned Tourist Commercial. The other five parcels are zoned Industrial. The applicant is requesting to rezone the balance of their properties, five parcels, from Industrial to Tourist Commercial. This request will bring all their properties between Glendale Avenue, Rock Boulevard and Freeport Boulevard as land use designation of Tourist Commercial and zoned as Tourist Commercial. There is no impact to the general fund.

City Planner Armando Ornelas presented the request for long-term use of the site. CFA's Angela Fuss represented the applicant and said there has been no negative feedback received about this request.

Public Hearing opened with no comments from the public. Public Hearing closed.

A motion was made by Council Member Ratti, seconded by Council Member Schmitt, to certify the master plan amendment, associated with PCN13021 based on the Findings MP1 through MP4 and the facts supporting these Findings as set forth in the staff report. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

### **8.2 PUBLIC HEARING, SECOND READING and possible discussion of Bill No. 2667, PCN13021 – A request to change the existing zoning on a property**

**approximately 5.03 acres in size from Industrial (I) to Tourist Commercial (TC) located at 1795, 1817, 1819, 1845 and 1865 Glendale Avenue. (FOR POSSIBLE ACTION) (Time: 4:02 p.m.)**

An agenda item from Senior Planner Karen Melby, presented by City Planner Armando Ornelas, recommending Council approve Bill No. 2667. The Planning Commission also recommends approval. There is no impact to the general fund.

Public Hearing opened with no comments from the public. Public Hearing closed.

A motion was made by Council Member Ratti, seconded by Council Member Schmitt, to approve Bill No. 2667 for the rezone, associated with PCN13021, based on the Findings Z1 through Z3 and the facts supporting these Findings as set forth in the staff report. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

**9. Closed Door Sessions - (Time: 4:02 p.m.)**

Mayor Martini said City Attorney Shirle Eiting requested a closed door session after the Redevelopment Meeting.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to have a closed door session after the Sparks Redevelopment Agency Meeting. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

**10. Comments**

**10.1 Comments from the Public (Time: 4:05 p.m.) – None**

**10.2 Comments from City Council and City Manager (Time: 4:05 p.m.)**

Council Member Carrigan asked City Attorney Chet Adams to provide a proposed change to the Sparks Municipal Code to address the business license appeal process and when a refund may be provided.

**11. Adjournment (Time: 4:06 p.m.)**

Council was adjourned at 4:06 p.m.

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GENO R. MARTINI, Mayor

ATTEST:

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Teresa Gardner, City Clerk

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