



MAYOR 9/11/2017
Geno Martini AI 6.1

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, August 28, 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.)

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 Council Member Bybee.

4. Public Comment (Time: 2:03 p.m.)

Hannah Hoobyar gave public comment on her nonprofit called Project Bear Hugs. She is doing a donation drive for the victims of Hurricane Harvey at the Atlantis August 31, 2017. Ms. Hoobyar can be reached at 775-750-0531 or www.projectbearhugscare.com. Kathleen Shupp gave public comment on saving Wildcreek. Bill Wagner spoke in opposition of the rezone on Los Altos Parkway PCN17-0032. City Manager Driscoll stated there is a 60 day delay in the Public Hearing and it will not be heard until November. Danielle Mestre spoke in opposition of all the apartment complexes being built. Wesley Griffin gave public comment on saving Wildcreek. Wilbert Gilbert (AKJA Benjamin W. Creveling, IV) spoke in favor of saving the watershed lands.

5. Agenda (Time: 2:21 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 Smith, seconded by Council Member Abbott, to approve the agenda as submitted. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

6. Minutes (Time: 2:22 p.m.)

6.1 Consideration and possible approval of the minutes of the regular Sparks City Council meeting of August 14, 2017. (FOR POSSIBLE ACTION)

A motion was made by Council Member Bybee, seconded by Council Member Dahir, to approve the minutes of the regular Sparks City Council meeting on August 14, 2017. Council Members. Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

7. Announcements, Presentations, Recognition Items and Items of Special Interest (Time: 2:22 p.m.)

7.1 None

8. Consent Items (FOR POSSIBLE ACTION) (Time: 2:22 p.m.)

A motion was made by Council Member Smith, seconded by Council Member Bybee, to approve consent items 8.1 through 8.3 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 July 20, 2017 through August 9, 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, review and acceptance of the receipt of grant and/or donation money which is individually under \$5,000. (FOR POSSIBLE ACTION)

An agenda item from Accountant II Rick Parton recommending Council accept the receipt of grant and/or donation money which is individually under \$5,000. The following donations were awarded to the city from April 2017 to June 2017: various people donated a total of \$2170 to the Police Canine program and \$281.25 to the Partners in Parks & Recreation program. There is no impact to the general fund.

8.3 Consideration and possible approval of the City Attorney's request to accept part-time outside employment (teaching). (FOR POSSIBLE ACTION)

An agenda item from City Attorney Chet Adams recommending Council approve the City Attorney's request to accept a part-time faculty position at Western Nevada College. Western Nevada College has offered a part-time faculty position to the City Attorney for the Fall 2017 semester. These classes are scheduled for Wednesday evenings, from 7:00 p.m. to 9:45 p.m. in Fallon, NV beginning August 30, 2017 and concluding on December 13, 2017. Western Nevada College has also indicated the possibility of future teaching assignments beginning in 2018. There is no impact to the general fund.

9. General Business

9.1 Consideration of and possible approval of the Mayor's recommendation of the appointment of Shelley Read to the Sparks Planning Commission for the remainder of a four-year term from the following pool of applicants, listed in

alphabetical order: Jeff Bowling, Joshua Fink, Paul Freeman, Johanna Lee, Jennifer Martinez and Shelley Read. (FOR POSSIBLE ACTION) (Time: 2:23 p.m.)

An agenda item from City Manager Steve Driscoll recommending Council confirm the Mayor's appointment. The City of Sparks Planning Commission has one vacancy due to the resignation of Art Sperber. Shelley Read will fill the vacancy left by Commissioner Sperber. There is no impact to the general fund.

A motion was made by Council Member Bybee, seconded by Council Member Lawson, to confirm the appointment of Shelley Read to the Sparks Planning Commission for the remainder of a four-year term through December 31, 2018. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.2 Consideration of Demand Letter from Omar Rosales and Possible Action to Settle Claim Against City in an Amount Not to Exceed Insurance Policy Limits. (FOR POSSIBLE ACTION) (Time: 2:45 p.m.)

An agenda item from City Attorney Doug Thornley asking the City Council to consider whether to accept or reject a demand letter sent to the city in relation to a personal injury claim against the city. Omar Rosales said he stepped on a concrete utility box access lid on September 2, 2015 during the Rib Cook-Off. Mr. Rosales said the lid crumbled causing him to fall into the utility box and hurt his lower back. Mr. Rosales claims to have incurred medical expenses related to the treatment of his injuries, wage losses and out-of-pocket expenses and now seeks recovery of those expenses and any additional future expenses. There would be an impact to the general fund.

Council Member Lawson recused himself as he has an appointment with the same attorney representing Mr. Rosales on Tuesday regarding the attorney possibly representing Mr. Lawson's wife.

A motion was made by Council Member Smith, seconded by Council Member Dahir, to reject Omar Rosales's demand of the City of Sparks's policy limit (\$1,000,000 per occurrence and \$5,000,000 umbrella). Council Members Abbott, Smith, Bybee, Dahir, YES. Council Member Lawson, ABSTAIN. Motion carried 4-0.

9.3 Discussion and possible direction to the City Manager to negotiate and prepare a Disposition and Development Agreement with Silverwing Development for the prospective sale and redevelopment of the C Street parking facility property located at 955 C Street and having Assessor's Parcel Number 032-193-19. (FOR POSSIBLE ACTION) (Time: 2:27 p.m.)

An agenda item from Assistant Community Services Director Armando Ornelas recommending Council direct the City Manager to negotiate and prepare the agreement. Silverwing Development recently completed construction of the Fountainhouse at Victorian Square multi-family project. Silverwing is currently constructing the Fountainhouse mixed-use and the Bridges projects on various properties they acquired from the Sparks Redevelopment Agency. Silverwing is now proposing a project for the site of the city-owned C Street parking facility located at 955 C Street and having Assessor's Parcel Number 032-193-19. Their proposal calls for retaining the existing parking structure but adding another parking level, a podium and 5 stories of apartments (approximately 175 units), which would result in a 10-story structure. In exchange for the property, the developer is proposing to grant the city the right to use, for public parking, a to-be-determined

number of parking spaces which would be maintained by the developer. The Disposition & Development Agreement (DDA) will discuss compensation for the property, possible modifications to the property, the responsibilities of each of the parties should there need to be mitigations, and any conditions that need to be written into the DDA. There is no impact to the general fund.

Mr. Witt spoke about the project. He will be having discussions with the existing businesses when the DDA is in place and a plan going forward is coming together.

A motion was made by Council Member Abbott, seconded by Council Member Bybee, to direct the City Manager to negotiate and prepare for future consideration by the Agency and City Council a proposed 2017 DDA with Silverwing Development for the sale and redevelopment of the C Street parking facility property. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.4 Consideration and possible approval of an interlocal agreement (AC-5399) between the City of Reno, on behalf of the Reno Police Department, Washoe County, on behalf of the Washoe County Sheriff's Office, and the City of Sparks, on behalf of the Sparks Police Department: For the management and disposition of 2017 Justice Assistance Grant (JAG) Program Award in the amount of \$26,234. (FOR POSSIBLE ACTION) (Time: 2:47 p.m.)

An agenda item from Police Chief Brian Allen recommending Council approve the interlocal agreement. The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance is offering a 2017 Justice Assistance Grant (JAG) Program Award collectively in the amount of \$131,170 to the Reno Police Department, Washoe County Sheriff's Office and the Sparks Police Department. This funding can be used towards law enforcement training, law enforcement equipment, and law enforcement personnel overtime expenses. The Sparks Police Department's allocation of funding is \$26,234. There is no impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Abbott, to accept and approve the interlocal agreement with the City of Reno, Washoe County, and the City of Sparks for the management and disposition of the 2017 Justice Assistance Grant Program Award in the amount of \$26,234. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.5 Consideration, discussion and possible adoption of a Business Impact Statement (AC-5400) regarding Resolution No. 3317 amending and updating fees charged by the Fire Department of the City of Sparks for certain Fire Inspections, Re-Inspections, Fire Suppression and Fire Prevention Services. (FOR POSSIBLE ACTION) (Time: 2:50 p.m.)

An agenda item from Fire Marshall Robert King recommending Council adopt the Business Impact Statement (BIS). The Fire Prevention Bureau (FPB) fee schedule was created in 1999 to cover the cost of an additional fire inspector. Resolution No. 2578 on July 8, 1999, and Resolution No. 2735 on June 25, 2001 established and amended fees charged by the Sparks Fire Department for certain fire and life safety inspections, re-inspections, fire suppression, and fire prevention services. Nevada Law (NRS 237.090) requires a BIS when proposing new fees. There is no impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Abbott, to adopt the Business Impact Statement related to the proposed Resolution No. 3317, amending Resolution Nos. 2578 & 2735 concerning Fire Department fees for fire inspections, re-inspections, fire suppression, and fire prevention services. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.6 An exempt meeting will be held after the regular Council and SRA meetings adjourn between the Council and management representatives for labor negotiation purposes as allowed per NRS288.220. (Time: 3:02 p.m.)

An agenda item from Assistant City Manager Neil Krutz recommending Council adjourn to an exempt meeting. NRS Chapter 288, the Local Government Employee Management Relations Act, regulates relations between governments and public employees. Per NRS 288.220.4, certain proceedings, such as meetings between a local government employer and its management representatives, are not required to be open or public. There is no impact to the general fund.

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

10.1 SECOND READING, Public Hearing, discussion and possible action on Bill No. 2721, an Ordinance amending Chapter 12.48 of the Sparks Municipal Code, "Electrical System Franchise Agreement," to allow the City Council to distribute a portion of the electrical system franchise fees between a fund for street maintenance and a fund for park maintenance in such proportions as the City Council directs from time to time; and providing other matters properly related thereto. (Time: 3:03 p.m.)

City Manager Driscoll announced that the first reading for this item was held on August 14th with the second reading and public hearing scheduled to be heard today. Mr. Driscoll suggested the second reading be rescheduled to the next regular meeting of Monday, September 11, 2017. However, based on normal process when the city posts for a public hearing item, Mr. Driscoll suggests the item be opened for public comment for anyone that wishes to speak.

Public hearing was opened at 3:04 p.m. No comments were received.

10.2 SECOND READING, Public Hearing, discussion and possible action on Bill No. 2722, an Ordinance amending Chapter 12.46 of the Sparks Municipal Code, "Natural Gas Franchise Agreement," to allow the City Council to distribute a portion of natural gas franchise fees between a fund for street maintenance and a fund for park maintenance in such proportions as the City Council directs from time to time; and providing other matters properly related thereto. (Time: 3:04 p.m.)

City Manager Driscoll announced that the first reading for this item was held on August 14th with the second reading and public hearing scheduled to be heard today. Mr. Driscoll suggested the second reading be rescheduled to the next regular meeting of Monday, September 11, 2017. However, based on normal process when the city posts for a public hearing item, Mr. Driscoll suggests the item be opened for public comment for anyone that wishes to speak.

Public hearing was opened at 3:05 p.m. No comments were received.

11. Planning and Zoning Public Hearings and Action Items

11.1 None

12. Comments

12.1 Comments from the Public (Time: 3:05 p.m.) - None

12.2 Comments from City Council and City Manager (Time: 3:05 p.m.)

City Manager Driscoll announced that Landstar requested an extension of the public hearing process for the request for rezoning. The first and second readings were originally scheduled for September. The first and second readings will be delayed until November. Notices will be sent to those that would regularly be noticed for this issue. The same exact process that would have been done in September will be done in November.

13. Adjournment

Council was adjourned at 3:07 p.m.



GENO R. MARTINI, Mayor

ATTEST:



Teresa Gardner, City Clerk

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