



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, October 22, 2018

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, Assistant City Manager Neil Krutz, City Attorney Chet Adams and City Clerk Teresa Gardner, PRESENT. City Manager Steve Driscoll at 2:02 p.m, PRESENT.

ABSENT: None

3. **Opening Ceremonies**

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

The invocation was provided by Pastor Molech Blythe of Victory City Church.

3.2 **Pledge of Allegiance** (Time: 2:01 p.m.)

The Pledge of Allegiance was led by Council Member Ron Smith.

4. **Public Comment** (Time: 2:02 p.m.)

Reed High School student Madison McCoy spoke about a recent vehicle-pedestrian traffic accident and said she had gathered signatures on a petition in support of installing crosswalk warning lights on Baring Boulevard near Reed High School. Mayor Geno Martini said City Manager Steve Driscoll will contact her.

Kirk Reinschmidt spoke in opposition of a potential change to allow the removal of front yard trees at Toscana at D'Andrea. Mayor Martini confirmed with staff that the issue was on the next Planning Commission agenda.

Kim Ciesynski of 39 North Downtown provided updates, discussed upcoming holiday events, and mentioned that volunteers are needed.

Jeff Church spoke in opposition of WC-1 and urged Council to look into a website using the City of Sparks logo and claiming the City and Council endorse WC-1. He thanked the City of Sparks for providing electric vehicle parking spaces and thanked City Attorney Chet Adams for being responsive to his questions.

Sierra Nevada Donor Awareness President Tracy Copeland and Vice President Judy Price thanked Mayor Martini for his continued support of the Donor Walk at the Sparks Marina each September.

Northern Nevada Medical Center CEO Alan Olive spoke in honor of Mayor Martini, thanked the Mayor and city staff for their support over the years, and presented the Mayor with an “Honoring Life’s Journey” plaque.

Reed High School teacher and parent Tom Boughner spoke in support of installing crosswalk warning lights at Baring Boulevard near Reed High School.

5. Agenda (Time: 2:24 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 Dahir, seconded by Council Member Smith, to approve the agenda as submitted. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

6. Minutes (Time: 2:24 p.m.)

6.1 Consideration and possible approval of the minutes of the regular Sparks City Council meeting of October 8, 2018 and the Sparks City Council Sewer Rate Study Workshop of October 8, 2018. (FOR POSSIBLE ACTION)

A motion was made by Council Member Bybee, seconded by Council Member Abbott, to approve the minutes of the regular Sparks City Council meeting of October 8, 2018 and the Sparks City Council Sewer Rate Study Workshop of October 8, 2018. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

7. Announcements, Presentations, Recognition Items and Items of Special Interest (Time: 2:25 p.m.)

7.1 City Manager announcement of vacancies on the Sparks Senior Citizens Advisory Committee and the Airport Noise Advisory Panel (Time: 2:25 p.m.)

City Manager Steve Driscoll announced the availability of appointments on the Sparks Senior Citizens Advisory Committee, which requires one member and one alternate from Wards 1-5, and two members and one alternate from the Mayor. Members shall be residents of the City of Sparks, preferably over the age of 55. Persons interested in serving on this Committee should complete a Community Service Application, available in the City Clerk’s office, or apply online at www.CityofSparks.us. Applications will be accepted until the close of business on Friday, November 16, 2018.

City Manager Driscoll also announced the availability of an appointment on the Airport Noise Advisory Panel, which requires one member to serve a partial term ending on December 31, 2018 and the following 2-year term ending on December 31, 2020. Persons interested in serving on this Committee should complete a Community Service Application, available in the City Clerk's office, or apply online at www.CityofSparks.us. Applications will be accepted until the close of business on Friday, November 30, 2018.

7.2 Proclamation: "Alpha-1 Awareness Month" (Time: 2:27 p.m.)

Mayor Geno Martini proclaimed November 2018 as "Alpha-1 Awareness Month" in support of the nationwide awareness campaign to educate the public as well as the medical community on Alpha-1 detection and treatment. The proclamation was received by local Alpha-1 support group leader Norma Leising and AlphaNet Coordinator Heather Allen. They encouraged citizens to donate blood, which helps create infusion treatments for Alpha-1 patients and invited the community to walk in support of Alpha-1 awareness on Saturday, November 10, 2018 at the Reno Town Mall. For more information, visit www.Alpha1.org.

7.3 Proclamation: "Community Planning Month" (Time: 2:34 p.m.)

Mayor Martini proclaimed October 2018 as "Community Planning Month" in recognition of the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Sparks, as well as the many valuable contributions made by the professional community and regional planners of the City of Sparks. The proclamation was received by Angela Fuss on behalf of the American Planning Association, who thanked the City of Sparks for having a "can-do" attitude towards planning and community development and mentioned that the State Planning Conference will be held in Sparks in 2019.

7.4 Presentation: Nevada Opportunity Zones (Time: 2:38 p.m.)

Senior Administrative Analyst Kathy Clewett introduced Nevada Governor's Office of Economic Development Deputy Director Derek Armstrong, who then introduced the Northern Deputy Director Matthew Moore and Rural Director of Economic and Community Development Patty Herzog. Mr. Armstrong presented an overview of Nevada Opportunity Zones, including tax incentive benefits, deferral, partial reduction and forgiveness of additional gains, Opportunity Funds (O-Funds), possible investments in Opportunity Zones, and excluded businesses. He said there is a 1-day conference being planned for November 27, 2018 in Las Vegas for investors to gain additional information on Opportunity Zones, and additional details about the event will be posted at www.DiversifyNevada.com.

7.5 Presentation: Greyhound Integration into Centennial Plaza (Time: 3:01 p.m.)

Greyhound Chief Operating Officer Bill Blankenship and Senior Real Estate Director Rey Nunez presented information on the Greyhound integration into Centennial Plaza, including passenger demographics, site plan information, next steps, and utilization.

Council discussed concerns about safety and security, parking, passenger pick-up and drop-off, and the station's start date. Council Member Smith requested quarterly updates from Greyhound to help address any issues that come up. Mr. Blankenship said there will be 24-hour security onsite and an attendant available to assist customers during all operating hours, a tentative start date of December 3, 2018 has been set, and Greyhound will work with RTC to ensure the questions about parking will be addressed.

8. Consent Items (Time: 3:20 p.m.)

A motion was made by Council Member Abbott, seconded by Council Member Smith, to approve consent items 8.1 through 8.6 as submitted. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

8.1 Consideration and possible acceptance of the report of the claims and bills approved for payment and appropriation transfers for the period of September 20, 2018 through October 03, 2018. (FOR POSSIBLE ACTION)

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

8.2 Consideration and possible approval to purchase three vehicles for the Police Department from Champion Chevrolet in the amount of \$92,754.75. (FOR POSSIBLE ACTION)

An agenda item from Public Works Manager Ron Korman recommending Council approve the purchase for the replacement of three vehicles for the Police Department. Funds are budgeted in the motor vehicle maintenance fund; there is no impact to the general fund.

8.3 Consideration, discussion and possible approval to purchase a three-year software support agreement (AC-5526) with Schneider Electric for the Truckee Meadows Water Reclamation Facility in the amount of \$198,985.00. (FOR POSSIBLE ACTION)

An agenda item from TMWRF Plant Manager Michael Drinkwater recommending Council approve the purchase. The software support agreement is for the distributed control system (DCS) at TMWRF. The DCS is the backbone of the process monitoring and equipment control system for the plant. The software support agreement will allow staff access to the vendor to keep the program current and receive assistance in troubleshooting and programming. Funds are budgeted in the joint treatment plant fund; there is no impact to the general fund.

8.4 Consideration, discussion and possible approval of a construction contract (AC-5527) for the Alf Sorensen Dehumidifier Project Site Work Quote to Anchor Concrete, in the amount of \$55,200. (FOR POSSIBLE ACTION)

An agenda item from Capital Projects Manager Brian Cason recommending Council approve the construction contract. This is an informally quoted (IFQ) item that must be completed prior to the dehumidifier and ductwork installation. The site work IFQ includes site grading, a concrete slab, concrete piers, a condensate drain trench, and the steel structure to support the ductwork. Funds are budgeted in the capital projects fund; there is no impact to the general fund.

8.5 Consideration, discussion and possible approval of the contract (AC-5528) with Western Nevada Transport LLC to haul biosolids from the Truckee Meadows Water Reclamation Facility (TMWRF) at a rate of \$91.97 per trip (estimated annual cost is \$129,000). (FOR POSSIBLE ACTION)

An agenda item from TMWRF Plant Manager Michael Drinkwater recommending Council approve the contract. The contract is for a period of 1 year with up to four mutually agreeable 1-year extensions. TMWRF produces biosolids as a waste stream from the main treatment process. After digestion and dewatering, the biosolids are hauled to the Lockwood landfill for disposal. TMWRF produces approximately 125 tons of biosolids per day, resulting in 5 to 6 truck trips to

the landfill each day. Funds are budgeted in the joint treatment plant fund; there is no impact to the general fund.

8.6 Consideration and possible approval of a refund of sewer connection fees in the amount of \$5,360.85 to TICO Construction Company, Inc in association with building permit number SBLD18-21834 (FOR POSSIBLE ACTION)

An agenda item from Assistant Community Services Director Armando Ornelas recommending Council approve a partial refund. The contractor documented previously existing plumbing fixtures after issuance of the building permit and the payment of sewer connection fees. Funds will be paid out of the sewer enterprise fund; there is no impact to the general fund.

9. General Business

9.1 Discussion and possible approval of a professional services contract (AC-5525) with Cardinal Infrastructure, LLC (Anja Graves) for federal lobbying and consulting services for a two year contract in the amount of \$65,000 annually. (FOR POSSIBLE ACTION) (Time: 3:21 p.m.)

An agenda item from Senior Administrative Analyst Kathy Clewett recommending Council approve the contract. The City of Sparks utilizes a contract lobbyist and consultant to assist with the city's federal legislative affairs function in Washington D.C. The city has retained Anja Graves with Cardinal Infrastructure, LLC since 2003. The terms of the contract are proposed to be from 12/01/2018 to 11/30/2020 (two years) with the possibility of two mutually agreed upon extensions with a final termination at 11/30/2024. Funds are budgeted in the general fund.

Ms. Clewett introduced Cardinal Infrastructure Co-Founder and Partner Anja Graves and Assistant Counsel and Manager of Government Relations Bennett Resnik. Mr. Resnik presented an update of current affairs in Washington, D.C. and an overview of different ways in which recent events and upcoming elections could affect the City of Sparks. He discussed potential funding for infrastructure, possible changes to Federal Communications Commission (FCC) policies on wireless broadband deployment, and the Opportunity Zone program, and talked about ways in which Cardinal Infrastructure will be monitoring and responding to various changes and events on the City's behalf. He discussed the Water Infrastructure Act of 2018 and related drinking water and wastewater resilience programs, as well as grants for innovative water technology programs intended to accelerate the development and deployment of technologies to help address water supply, quality, treatment and security challenges in public water systems.

City Manager Steve Driscoll said that Mr. Resnik's update was intended to give Council an idea of the services that the City has been receiving for the past several years and the voice we have representing us in Washington. Mr. Driscoll said it is time to renew our contract with Cardinal Infrastructure, which will include an initial period of 2 years, and 2 subsequent 2-year renewal periods that require mutual agreement. Council asked for clarification that the contract is for \$65,000 annually, and not \$65,000 total. Council thanked Ms. Graves and Cardinal Infrastructure for their insight, professionalism and availability over the years.

A motion was made by Council Member Bybee, seconded by Council Member Abbott, to approve the contract terms with Cardinal Infrastructure, LLC in the amount of \$65,000 annually for the term of December 1, 2018 through November 30, 2020 with the option to renew these services for an additional four years under mutual consent of both parties. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.2 Consideration, discussion, and possible approval of a contract (AC-5524) for the El Rancho Sanitary Sewer Improvement Project, to Gerhardt and Berry Construction, in the amount of \$1,717,927.35 (FOR POSSIBLE ACTION)
(Time: 3:36 p.m.)

An agenda item from Senior Civil Engineer Kevin Porter recommending Council approve the contract. This project was identified in the 2016 Sewer Model Update as a high priority capital improvement project. The project will increase the existing sewer from 8" to 15" along the El Rancho corridor, add new sewer through the Oddie intersection at El Rancho, and provide much-needed capacity improvements to the El Rancho Dr corridor as well as the Oddie Blvd and Greenbrae redevelopment district. Funds are budgeted in the sanitary sewer cap project fund and sanitary sewer operations fund; there is no impact to the general fund.

Council asked if we are splitting any of the cost of this project with the City of Reno; Community Services Director John Martini confirmed the sewer in that area is 100% owned and operated by the City of Sparks.

A motion was made by Council Member Lawson, seconded by Council Member Abbott, to approve the contract for the El Rancho Sanitary Sewer Improvement Project, to Gerhardt and Berry Construction, in the amount of \$1,717,927.35. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.3 Consideration, discussion and possible approval of an agreement (AC-5529) with the University of Nevada, Reno for assistance in process operation, testing and performance evaluation of the enhanced dissolved organic nitrogen (DON) removal pilot equipment at TMWRF in the amount of \$310,380.48, with the City of Sparks' portion being \$97,366.36. (FOR POSSIBLE ACTION) (Time: 3:40 p.m.)

An agenda item from TMWRF Plant Manager Michael Drinkwater recommending Council approve the agreement. TMWRF has a discharge permit that limits the daily mass of nitrogen that is released to the Truckee River. The current treatment technologies at TMWRF operate efficiently for the removal of inorganic nitrogen but do not remove dissolved organic nitrogen (DON) from the effluent to any appreciable degree. The majority of the total nitrogen currently being discharged via effluent leaving the plant is in the DON form.

In anticipation of increased sewer flows due to future regional growth, staff continues to investigate options for efficient removal of nitrogen from the effluent being discharged to the Truckee River. The next step is pilot scale testing at TMWRF for up to 12 months. The pilot testing will provide key data for the future design of a full-scale treatment system. This effort will include development of cost estimates for full-scale implementation and operation of the treatment process. Funds are budgeted in the sanitary sewer cap project fund; there is no impact to the general fund. Council Member Abbott requested to be notified when the project is up and running and expressed an interest in coming out to view it.

A motion was made by Council Member Abbott, seconded by Council Member Bybee, to approve the agreement with the University of Nevada, Reno for assistance in process operation, testing and performance evaluation of the enhanced DON removal pilot equipment at TMWRF in the amount

of \$310,380.48, with the City of Sparks' portion being \$97,366.36. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.4 Consideration and possible approval of a tentative map request for a 32-unit, multi-family residential townhome project on a site 3.1 acres in size in the NUD (New Urban District-Spanish Springs Town Centre Planned Development) zoning district located south of Los Altos Parkway and east of Galleria Parkway, Sparks, NV. (PCN18-0039) (FOR POSSIBLE ACTION) (Time: 3:45 p.m.)

An agenda item from Senior Planner Ian Crittenden recommending Council approve the tentative map. The Spanish Springs Town Centre Planned Development Handbook was approved in 2005. In 2008 the handbook was amended to allow lodging and 24-hour uses without requiring a Conditional Use Permit (CUP). In 2016, the handbook was again amended to allow mini-warehouse storage as a use and to include development standards specific to mini-warehouse uses. The site is located in the RCSO2 (Retail, Commercial, Service, and Office) land use designation within the Spanish Springs Town Centre Planned Development. This designation permits multi-family townhomes with a Conditional Use Permit (CUP). Uses that require a CUP are considered permitted uses that may require additional conditions to mitigate possible impacts on surrounding land uses and development. The Planning Commission approved a CUP for a 32-lot, multi-family residential townhome project on September 6, 2018 and recommended Council approve the tentative map. There is no impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Bybee, to approve a tentative map for a 32-unit, multi-family residential townhome project on a site 3.1 acres in size in the NUD (New Urban District-Spanish Springs Town Centre Planned Development) zoning district located south of Los Altos Parkway and east of Galleria Parkway, Sparks, Nevada, adopting Findings T1 through T12 and the facts supporting these Findings as set forth in the staff report, and subject to the Conditions of Approval 1 through 15 as listed in the staff report. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.5 Consideration and possible approval of a tentative map for a 146-lot, single-family residential subdivision on a site 30.28 acres in size in the NUD (New Urban District – Kiley Ranch North Phase 6) zoning district located at the southeast corner of Kiley Parkway and Windmill Farms Road, Sparks, NV. (PCN18-0038) (FOR POSSIBLE ACTION) (Time: 3:53 p.m.)

An agenda item from Planner Jonathan Cummins recommending Council approve the tentative map subject to the proposed 15 conditions of approval. The Kiley Ranch North Phase 6 Final Development Handbook was approved by Council in May 2014. The handbook covers 146.68 acres located northeast of Kiley Parkway and Henry Orr Parkway, including villages 20, 36, 37, and 43. Village 37C will be the third tentative map for Village 37 and covers 30.28 acres. Other subdivisions recently approved in Phase 6 include Villages 37A, 37B, and 43, for a total of 394 single-family lots. The proposed subdivision equates to a density of 4.8 units per acre. The handbook classifies the 30.29-acre parcel as LMR (Low-Medium Residential), which requires a density of 4 to 7.9 dwelling units per acre. The handbook states “the LMR designation allows single-family detached homes in a variety of lot configurations and styles.”

The Sparks Comprehensive Plan designates the site as LDR (low-density residential), which calls for a density ranging from 3 to less than 6 dwelling units per acre. It states that such development

should have “suburban character with full range of urban services.” The Planning Commission reviewed the proposed tentative map on September 6, 2018 and recommended its approval by Council. There is no impact to the general fund.

Council asked about right-of-way for bus stops, and Community Services Director Martini responded that should RTC request a bus stop, they could work with the developer during the final map process to add to the dedicated right-of-way to accommodate that proposed bus stop location, and/or to obtain easements if it is to remain within the ownership of a HOA or landscape maintenance association.

A motion was made by Council Member Dahir, seconded by Council Member Abbott, to approve a tentative map for a 146-lot, single-family residential subdivision on a site 30.28 acres in size in the NUD (New Urban District – Kiley Ranch North Phase 6) zoning district located at the southeast corner of Kiley Parkway and Windmill Farms Road, Sparks, NV (PCN18-0038), based on findings T1 through T12 and subject to the 15 conditions of Approval as listed in the staff report. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.6 First Reading of Bill No. 2748, an ordinance approving of a Development Agreement by and between the City of Sparks, Foothills at Wingfield, LLC and Albert D. Seeno Construction Company concerning the development of real property 65 acres in size located east of Golden Eagle Regional Park and south of Vista Boulevard, Sparks, NV (PCN18-0005) (Time: 3:59 p.m.)

City Clerk Teresa Gardner read the bill by title and the Public Hearing was set for November 13, 2018.

9.7 First Reading of Bill No. 2749, an ordinance rezoning real property approximately 65 acres in size and generally located east of Golden Eagle Regional Park and south of Vista Boulevard, Sparks, NV, from A5 (Agriculture) to SF6 (Single Family – 6, 000 sq. ft. lots). (PCN18-0005) (FOR POSSIBLE ACTION) (Time: 3:59 p.m.)

City Clerk Teresa Gardner read the bill by title and the Public Hearing was set for November 13, 2018.

9.8 First Reading of Bill No. 2750 adopting the 2018 Edition of the International Building Code, International Residential Code, International Mechanical Code, Uniform Mechanical Code, Uniform Plumbing Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, International Wildland-Urban Interface Code, International Swimming Pool And Spa Code, 2017 Edition National Electrical Code, and the 2018 Northern Nevada Amendments, each of which are to become effective July 1, 2019. (Time: 4:00 p.m.)

City Clerk Teresa Gardner read the bill by title and the Public Hearing was set for November 13, 2018.

9.9 FIRST READING of an Bill No. 2751, adopting the 2018 International Fire Code, International Wildland Urban Interface Code, and the 2018 Northern Nevada Fire Amendments, each of which are to become effective July 1, 2019. (Time: 4:01 p.m.)

City Clerk Teresa Gardner read the bill by title and the Public Hearing was set for November 13, 2018.

9.10 Consideration and possible Council direction to the City Attorney's Office whether to appeal to the appropriate court for judicial review and/or seek other appropriate legal remedies regarding the Regional Planning Governing Board's October 11, 2018 denial of the City of Sparks's proposed amendment to the Regional Plan to relocate the existing regional utility corridor that crosses the Wildcreek Golf Course property located at 3500 Sullivan Lane (FOR POSSIBLE ACTION). (Time: 4:03 p.m.)

An agenda item from Assistant City Attorney Brandon Sendall provided Council notice of the statutory deadlines to appeal and requested direction on whether to petition the appropriate court for judicial review. On October 11, 2018, the Regional Planning Governing Board voted to deny the proposed amendment. During the public hearing on the proposed amendment, several members of the Governing Board may have based their denials on issues or concerns that were allegedly not appropriate for denying a proposed amendment and that may have been beyond the scope of the agenda item that was before the Governing Board. There is no impact to the general fund.

A motion was made by Council Member Bybee, seconded by Council Member Abbott, to direct the City Attorney's Office to petition the appropriate court for judicial review and other appropriate legal remedies regarding the Regional Planning Governing Board's October 11, 2018 denial of the City of Sparks' proposed amendment to the Regional Plan to relocate the existing regional utility corridor located on the Wildcreek Golf Course property. Council Members Abbott, Smith, Bybee, Dahir, YES. Council Member Lawson, NO. Motion carried 4-1.

ADMINISTRATIVE NOTE: *Agenda item 9.10 was reconsidered at a special meeting of the Sparks City Council on November 9, 2018. No action was taken.*

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

10.1 SECOND READING, Public Hearing, Discussion, and Possible Adoption of BILL NO. 2747, an ordinance amending Chapter 1.12 of the Sparks Municipal Code, relating to contempt of court, and providing other matters properly related thereto. (FOR POSSIBLE ACTION) (Time: 4:11 p.m.)

An agenda item from Assistant City Attorney Alyson McCormick recommending Council adopt Bill No. 2747, an ordinance amending Chapter 1.12 of the Sparks Municipal Code (SMC) regarding contempt of court. The proposed amendments would add language from and references to NRS Chapter 22 to close the gap in our Code regarding non-criminal contempt of court and the procedures and penalties that apply to such conduct. There is no impact to the general fund.

The Public Hearing was opened at 4:13 p.m.; no comments were received.

A motion was made by Council Member Lawson, seconded by Council Member Dahir, to adopt Bill No. 2747, an ordinance amending Chapter 1.12 of the Sparks Municipal Code, relating to contempt of court, and providing other matters properly related thereto. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

11. Planning and Zoning Public Hearings and Action Items

11.1 SECOND READING, Public Hearing, Discussion, and Possible Adoption of BILL NO. 2745, an Ordinance amending Section 20.05.013 of the Sparks Municipal Code to define an aggrieved person for purposes of planning and zoning appeals and conform appeal timelines to Nevada law, and providing other matters properly related thereto. (FOR POSSIBLE ACTION) (Time: 4:14 p.m.)

An agenda item from Assistant City Attorney Alyson McCormick recommending Council adopt Bill No. 2745, which would amend SMC 20.05.013 to define “aggrieved person” and to eliminate a 30-day deadline to hold a public hearing on a planning or zoning appeal. Currently Sparks Municipal Code does not define who is “aggrieved,” and the proposed definition, taken directly from the City of Reno’s municipal code, is well-supported by case law regarding standing to appeal, and has been in Reno’s code since at least 2011. In addition, this amendment would remove a 30-day hearing deadline to appeal which exists in Sparks’ code but not in State law. State law requires a City Council to make a decision within 60 days. Given the Planning Commission schedule and the City Council meeting schedule, removing the 30-day deadline will enable staff to better comply with code, while still complying with State law. There is no impact to the general fund.

The Public Hearing was opened at 4:16 pm.; no comments were received.

A motion was made by Council Member Abbott, seconded by Council Member Bybee, to adopt Bill No. 2745, an ordinance amending Section 20.05.013 of the Sparks Municipal Code to define an aggrieved person for purposes of planning and zoning appeals and conform appeal timelines to Nevada law, and providing other matters properly related thereto. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

11.2 SECOND READING, Public Hearing, Discussion, and Possible Adoption of Bill No. 2746, an Ordinance amending Chapters 1.10 and 20.05 of the Sparks Municipal Code, regarding publication of certain notices and public hearings, and providing other matters properly related thereto. (FOR POSSIBLE ACTION) (Time: 4:17 p.m.)

An agenda item from Assistant City Attorney Alyson McCormick recommending Council adopt Bill No. 2746, an Ordinance amending Chapters 1.10 and 20.05 of the Sparks Municipal Code regarding publication of notices and public hearings for certain items.

SMC 1.10.010 requires a public hearing under certain circumstances that are not required by State law or charter, such as prior to the approval of an agreement with a term extending beyond the terms of the present Council, and prior to the lease, sale or license of any property owned by or leased to the City. SMC 1.10.010, subsection B, allows Council to direct the City Clerk to give notice of a proposed lease, sale or license to property owners within 300 feet; not only is this not required by State law, but allowing Council the discretion to give those notices in some cases and not in others creates potential for confusion. SMC 1.10.010, subsection C, states that specific notice requirements of State law still apply, regardless of any contrary provision of our code. Therefore, the City Attorney’s office recommends repealing this section in its entirety.

SMC 20.05.001 and the table associated with that section, Table 20.05-2, describes the processes required for various land use decisions, and indicates that notice of a request for a tentative map

should be published in a newspaper. Typically, we only publish notices in newspapers for items that require a public hearing; these are not required under State law, and removing that requirement from that table in our zoning code would bring the tentative map process more in line with our other zoning code processes. There is no impact to the general fund.

The Public Hearing was opened at 4:20 p.m.; no comments were received.

A motion was made by Council Member Dahir, seconded by Council Member Lawson, to adopt Bill No. 2746, an ordinance amending Chapters 1.10 and 20.05 of the Sparks Municipal Code regarding publication of certain notices and public hearings, and providing other matters properly related thereto. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

12. Comments

12.1 Comments from the Public (Time: 4:21 p.m.)

Citizen Bill Wagner spoke regarding the crosswalk issue at Baring Boulevard near Reed High School.

12.2 Comments from the Mayor, City Council and City Manager (Time: 4:22 p.m.)

Council Member Dahir invited the public to come to the 4th Annual Nevada Veterans Memorial Plaza Benefit Dinner at the Nugget on November 8, 2018 and said interested persons may visit www.NVMP.info for more details.

Council Member Bybee thanked everyone who volunteered for Pumpkin Palooza and said it was a great family event despite all the construction going on downtown.

13. Adjournment

Council was adjourned at 4:24 p.m.

RONALD E. SMITH, Mayor

ATTEST:

Teresa Gardner, City Clerk

/lb
/tmg

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