



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, May 8, 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 Pro Tem Ron Smith at 2:00 p.m.

2. Roll Call (Time: 2:00 p.m.)

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: Mayor Geno Martini

3. Opening Ceremonies

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

The invocation was provided by Council Member Kristopher Dahir.

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

The Pledge of Allegiance was led by Former Sparks Mayor James Lillard's daughter Tina Leighton.

4. Public Comment (Time: 2:01 p.m.)

A woman speaking anonymously regarding domestic violence distributed a letter filed June 1, 2010 by Chief Judge T. Arthur Ritchie, Jr. regarding access to records regarding domestic violence and temporary protection orders; page 2 was missing.

George McNally and Jennifer Richards spoke of the Senior Law Project in honor of Older Americans Month to be sure seniors are aware of the program which provides free legal assistance to senior citizens and referrals to other agencies. Additional information can be found on their website www.nlslaw.net or by calling 334-3050.

Joan Lee, a volunteer of the Rural Retired Senior Volunteer Program (RSVP) spoke in honor of Older Americans Month and said RSVP provides free respite for caregivers. Their phone number is 358-1032.

Kim Ciesynski gave an update of 39 North Downtown activities; additional information can be found at www.39northdowntown.com.

Scott Pierson sent an email for public comment in support of community gardens (read by City Clerk).

5. Agenda (Time: 2:14 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 Lawson, to approve the agenda as submitted. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

6. Minutes (Time: 2:14 p.m.)

6.1 Consideration and possible approval of the minutes of the regular Sparks City Council meeting of April 24, 2017. (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 on April 24, 2017. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

7. Announcements, Presentations, Recognition Items and Items of Special Interest (Time: 2:15 p.m.)

7.1 Proclamation: "Reno 1868FC" (Time: 2:15 p.m.)

Mayor Martini recognized Reno 1868 FC, welcoming them to the Truckee Meadows and wished them many years of success. The proclamation was read by Mayor Pro Tem Smith and presented to Reno Aces and Reno 1868 FC President Eric Edelstein. Mr. Edelstein distributed the Greater Nevada Field 2017 Community Report Update addressing community contributions, baseball, soccer, special events, and the state of Greater Nevada Field.

7.2 Proclamation: "Older American's Month" (Time: 2:23 p.m.)

Mayor Martini proclaimed May 2017 as Older Americans Month and urged residents to take time during this month to acknowledge older adults and the people who serve them as influential and vital parts of our community. The proclamation was read by Council Member Donald Abbott and presented to City of Reno Senior Citizen Advisory Committee Member Donna Clontz. Ms. Clontz talked about some of the regional activities for seniors during Older Americans Month.

7.3 Presentation and Proclamation: "James Lillard Day" (Time: 2:29 p.m.)

Mayor Martini proclaimed Sunday, May 14, 2017 as Jim Lillard Day, to honor the anniversary of his death of the former Sparks Mayor, recognizing his many years of service to the community. The proclamation was read by Council Member Ed Lawson and presented to Mr. Lillard's daughter Tina Leighton and grandson Tim Leighton, who thanked the Council for this honor and invited all to participate in a flag ceremony planned for 1:30 p.m. on Sunday, May 14, 2017 at the James Lillard Railroad Park on Victorian and reception following at Sparks High School.

7.4 Presentation and update of Federal Legislative topics (Time: 2:36 p.m.)

Senior Administrative Analyst Kathy Clewett introduced City of Sparks' Federal Lobbyist and Partner of Cardinal Infrastructure Anja Graves and Cardinal Infrastructure Manager of Government Relations Bennett Resnik who gave an update of federal legislative activities in

Washington DC, including an update on the spending bill identifying funding of various projects including the Department of Defense, Federal Emergency Management Agency, the Community Oriented Policing Services program, Economic Development Administration, opioid abuse treatment, Veterans training, Department of Transportation programs, Homeless Assistance, and Community Development Block Grant. Although the President proposes a budget, Congress makes decisions on spending. Ms. Graves also commented on the need for the government to appoint personnel to have the proper people in place to proceed with committee work. Ms. Graves also talked of the work of the local federal representatives in Washington and their willingness to help our area.

8. Consent Items (FOR POSSIBLE ACTION) (Time: 2:45 p.m.)

A motion was made by Council Member Bybee, seconded by Council Member Lawson, to approve consent items 8.1 through 8.6 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 April 6, 2017 through April 19, 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 and possible approval of a two-year Indigent Defense Contract (AC5362) with Daniel McCormick, Esq. for an annual amount of \$158,000.00 effective July 1, 2017 through June 30, 2019. (FOR POSSIBLE ACTION)

An agenda item from Municipal Court Administrator Heidi Shaw recommending Council approve the Indigent Defense Contract for Sparks Municipal Court. As required by NRS 171.188 Sparks Municipal Court provides the indigent with legal representation if the accused is facing the imposition of a jail sentence. Under the terms of the contract Mr. McCormick will provide legal representation of indigent defendants during all stages of criminal proceedings in the Sparks Municipal Court including in-custody video arraignments, trials, hearings and all appeals to the Second Judicial District Court of Washoe County. Most cases assigned to Mr. McCormick are crimes of domestic battery, DUI charges, and other misdemeanor charges where a defendant is facing a jail sentence if convicted. Budget exists in the general fund.

8.3 Consideration and possible approval of reimbursement to the City of Reno in the amount of \$107,442.25 for Sparks' share of a contract (AC5363) between the City of Reno and KG Walters Construction for the construction of the Foam Control Project at the Truckee Meadows Water Reclamation Facility (TMWRF). (FOR POSSIBLE ACTION)

An agenda item from Treatment Plant Manager Michael Drinkwater recommending Council approve the reimbursement of Sparks' share the contract between the City of Reno and KG Walters Inc. for the foam control project. The TMWRF outfall foam control system minimizes the amount of foam from the treatment plant outfall in Steamboat Creek and the Truckee River. Visible foam in Steamboat Creek downstream of the foam control system is prohibited by the TMWRF discharge permit. This project is part of the JCC approved TMWRF FY17 Capital Improvement Program. Funding is from the sanitary sewer capital project fund; there is no impact to the general fund.

8.4 Consideration and possible approval of a construction contract (AC5364) for the Fire Station 4 Parking Lot Rehabilitation Project in the amount of \$217,007 to Sierra Nevada Construction, Inc. (FOR POSSIBLE ACTION)

An agenda item from Capital Projects Manager Brian Cason recommending Council approve the contract. Fire Station 4 was built more than 20 years ago, in 1995, and the existing parking lot surface is coming to the end of its useful life. Over the years, the pavement has been patched numerous times and needs replacement. This project will rehabilitate the parking lot to safely handle the fire trucks that travel on the surface daily. Funding is from the capital projects fund; there is no impact to the general fund.

8.5 Consideration and possible approval of a Final Map for Fountainhouse at Victorian Square, Phase 2 Subdivision. (FOR POSSIBLE ACTION)

An agenda item from City Engineer Jon Ericson recommending Council approve the final map. The Fountainhouse at Victorian Square, Phase 2 subdivision will be generally located east of 13th Street and north of Avenue of the Oaks. This subdivision will create 16 residential condominium lots on 15,480 square feet. The developer will be SWD – Quarry FVS, LLC. There is no impact to the general fund.

8.6 Consideration and possible approval of a Final Map for Vicenza – Phase 2, Bolzano, Cortina and Merano at D’Andrea Subdivision. (FOR POSSIBLE ACTION)

An agenda item from City Engineer Jon Ericson recommending Council approve the final map. The subdivision is a continuation of the D’ Andrea New Urban District and will be generally located east of South D’ Andrea Parkway. The subdivision will create 107 residential lots on 21.57 acres. The developer will be Lennar Reno, LLC. There is no impact to the general fund.

9. General Business

9.1 Consideration, discussion and possible approval of payment of a \$10,000 donation to Keep Truckee Meadows Beautiful (KTMB). (FOR POSSIBLE ACTION) (Time: 2:45 p.m.)

An agenda item from City Manager Steve Driscoll recommending Council approve a payment in the amount of \$10,000 to KTMB. KTMB has maintained a partnership with the City of Sparks on programming including Adopt-a-Spot; Adopt-a-Park; River Cleanup; Educational Programs; Illegal Dumping; Litter Campaigns and Christmas Tree Recycling. There is a \$10,000 impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Abbott, to approve payment of \$10,000 to Keep Truckee Meadows Beautiful. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.2 Consideration, discussion and possible approval of a Forensic Support Services Agreement (AC5365) for FY2017/2018 between the Washoe County Sheriff's Office and the Sparks Police Department, and ratification of an expenditure in the amount of \$435,500. (FOR POSSIBLE ACTION) (Time: 2:48 p.m.)

An agenda item from Police Chief Brian Allen recommending Council approve the agreement and ratify the expenditure. The Sparks Police Department contracts annually with the Washoe County Sheriff's Office Forensic Science Division for evidence collection and laboratory analysis for an

array of services. These services are many times required as "call outs" from the Sparks Police Detective Division on a 24/7 basis. "Call outs" where the Forensic Science Division is commonly requested by Sparks Police Detectives include: homicides, sexual assaults, child abuse or child death, child sexual assault, suspicious deaths, shootings, stabbings, officer involved shootings and traffic accidents with significant injury or death. There is a \$435,500 impact to the general fund.

This year's cost of \$435,500 is an increase of \$50,000 from last year; however, the proposed full-service cost was \$768,000. Council Member Dahir said he would like a conversation to determine responsibility for services.

A motion was made by Council Member Bybee, seconded by Council Member Abbott, to approve the Forensic Support Services Agreement with the Washoe County Sheriff's Office and ratify the \$435,500 expenditure for those services. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.3 Consideration, discussion and possible approval to reject all bids for the Municipal Court Security Entrance Remodel Project due to insufficient funding. (FOR POSSIBLE ACTION) (Time: 2:52 p.m.)

An agenda item from Capital Projects Manager Brian Cason recommending Council reject all bids. A security entrance remodel project was approved by the City Council for the FY17 CIP. The scope of the project included a new storefront, security desk, flooring, ceiling, soffits, HVAC, and electrical work. The engineers estimate was \$195,000 with the low bid coming in at \$269,500. The low bid is 40% over the engineer's estimate, which places the current low bid well over available funding to proceed with the project as designed. City of Sparks Municipal Code and Nevada Revised Statutes require Council action to reject bids if the value of the bid exceeds \$50,000. There is no impact to the general fund. City Manager Driscoll said based on a conversation with the Administrative Judge, the project will be re-evaluated.

A motion was made by Council Member Dahir, seconded by Council Member Smith, to reject all bids for the Municipal Court Security Entrance Remodel Project. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.4 Consideration, discussion and potential direction regarding a proposal from Tahoe Reno Industrial General Improvement District (TRI GID) for use of reclaimed water from the Truckee Meadows Water Reclamation Facility (TMWRF). (FOR POSSIBLE ACTION) (Time: 2:57 p.m.)

An agenda item from Assistant City Manager Neil Krutz recommending Council direct the City Manager to negotiate with TRI GID, the State of Nevada, the City of Reno and the Truckee Meadows Water Authority (TMWA) and to prepare a draft agreement for City Council Consideration based on the preliminary agreement terms outlined in this staff report. TRI GID has approached the City of Sparks and the City of Reno with a proposal to utilize up to 4,000 acre-feet of reclaimed water from (TMWRF) to serve the Tahoe Reno Industrial Center (TRI Center). There is no impact to the general fund.

Council discussed the long-term effects of a 15-year agreement, drought years, current effluent programs, benefits of winter use of effluent, and additional operating and maintenance costs for TMWRF. TRI General Improvement District's Bob Sader said he supports the proposal and said users want to use processed water. Switch Attorney Paul Taggart said renewables and

environmental issues are important to Switch. Truckee Meadows Water Authority General Manager Mark Force and Planning and Management Director John Enloe were available to answer questions.

A motion was made by Council Member Dahir, seconded by Council Member Lawson, to direct the City Manager to negotiate with the Tahoe Reno Industrial General Improvement District, the State of Nevada, the City of Reno and the Truckee Meadows Water Authority and to prepare a draft agreement for City Council consideration based on the preliminary agreement terms outlined in the staff report. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.5 Consideration, discussion and possible direction to initiate amendments to the Sparks Municipal Code regarding the use of shipping containers and other options for the construction of small residential housing units. (FOR POSSIBLE ACTION) (Time: 3:51 p.m.)

An agenda item from Planning Manager Jim Rundle recommending Council provide direction to the City Manager on potential Sparks Municipal Code amendments to facilitate the use of shipping containers and other options for construction of small residential units.

At the February 27, 2017 Sparks City Council meeting, Council Member Lawson asked the City Manager to look at shipping containers as an alternate means of construction. Council Member Lawson subsequently clarified to city staff that his question more specifically concerns possible limitations in the Sparks Municipal Code (SMC) that would limit or preclude construction of small residential units, including so called “tiny houses”, regardless of the building materials used. The SMC was not, however, specifically written to accommodate recent interest in the construction of small residential units or the use of steel shipping containers as a building material. There is no impact to the general fund.

Council discussed the need for affordable housing, changes to zoning, future changes to the uniform building codes, and reduction of minimum lot sizes in the municipal code.

A motion was made by Council Member Dahir, seconded by Council Member Bybee, to direct the City Manager to conduct a workshop to discuss the use of shipping containers and other options for construction of small residential units. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.6 Consideration, discussion and possible approval of transferring \$251,910 from the Stabilization Fund to the General Fund to mitigate the cost related to the January 2017 Flood. (FOR POSSIBLE ACTION) (Time: 4:06 p.m.)

An agenda item from Senior Accountant and the Emergency Management Finance Section Chief Wayne Webber recommending Council approve \$251,910 from the stabilization fund to the general fund to mitigate the cost related to the January 2017 flood. On January 6, 2017, the City of Sparks declared a local state of emergency due to a winter storm event that began on January 3, 2017, involving heavy rain that caused urban and Truckee River flooding in the City of Sparks. The approval to transfer funding from the stabilization fund to the general fund is to mitigate the cost of the January 2017 flooding. There is a \$251,910 impact from the stabilization fund to the general fund.

A motion was made by Council Member Lawson, seconded by Council Member Abbott, to approve the transfer of \$251,910 from the stabilization fund to the general fund to mitigate the cost of the January 2017 flood. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.7 Review, consideration, and discussion of the performance of Sparks City Manager Stephen Driscoll; discussion and possible approval of an employment agreement extension through June 30, 2018 pursuant to NRS 241.031 and NRS 241.033; and consideration of a salary adjustment. (FOR POSSIBLE ACTION) (Time: 4:08 p.m.)

An agenda item from Human Resources Manager Mindy Falk recommending Council approve an extension of the City Manager employment agreement through June 30, 2018. Section 6 of City Manager Steve Driscoll's employment agreement requires that the Mayor and City Council review and evaluate the Manager's performance and salary on an annual basis. The Human Resources Department has conducted a total compensation market analysis of City Manager's in Northern Nevada. The City Manager respectfully requested that any discussion and decision regarding a potential salary adjustment be delayed until the first City Council meeting following finalization of all current City of Sparks Labor Agreements. There is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Dahir, to renew City Manager Stephen Driscoll's employment agreement through June 30, 2018 and delay potential salary adjustments and discussions to the City Manager's salary until the first City Council Meeting following finalization of all current City of Sparks Labor Agreements. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.8 Consideration, discussion and possible adoption of a Business Impact Statement regarding Restricted Gaming Business Licenses. (FOR POSSIBLE ACTION) (Time: 4:12 p.m.)

An agenda item from Senior Assistant City Attorney Doug Thornley, continued from the February 27, 2017 Council meeting, recommending Council adopt the Business Impact Statement. On January 23, 2017, the Sparks City Council directed city staff to examine the city's licensing ordinances related to restricted gaming. On January 27, 2017, letters were sent out to businesses in Sparks with gaming licenses for their input on the proposed changes to SMC Chapter 5.24. A business impact statement was created regarding those opinions. There is no impact to the general fund.

Council Member Bybee said she would abstain from this item because her husband works for a nonrestricted gaming licensee that is a member of the Nevada Resort Association. She said she is unsure whether this specifically rises to the level of a disqualifying conflict under the Ethics in Government Law, but believed it is prudent to be cautious with respect to this type of issue. Therefore, as required by state law, she would not vote or advocate for or against the passage of this measure.

Council Member Dahir disclosed that his wife works for IGT; however, he will be voting on the item.

Council discussed the primary business (bar or restaurant) requirement to utilize 90% of the floor and the incidental use (gaming) to utilize 10% of the floor; the grandfather provision to allow

current businesses to operate as they are today and allow business license renewals; substantial changes or increase in number of machines would require a new business license; new facilities would have to comply; consistent rules for all; complimentary drinks being recorded as revenue; and the term 'bar' not being defined in the code.

Dottys representative Seth Carlson said they operate both nonrestricted and restricted gaming in Sparks and provide employment to many residents. Mr. Carlson said the grandfather clause is appreciated but the restrictions jeopardize expansions and this ordinance eliminates competition.

Nevada Resort Association representative Michael Alonzo said local code requires gaming to be incidental, the proposed change allows for expansions, and neither state law or local code allow slot parlors in the City of Sparks.

Bully's manager Jo Sutter said she is not trying to change how anyone does their business but does think all should be required to abide by the same rules and laws.

A motion was made by Council Member Dahir, seconded by Council Member Lawson, to adopt the Business Impact Statement related to the proposed amendment to SMC Chapter 5.24 concerning the operation of restricted gaming in the City of Sparks. Council Members Abbott, Lawson, Smith, Dahir, YES. Council Member Bybee, ABSTAIN. Motion carried 4-0.

9.9 FIRST READING, Bill No. 2715, an ordinance amending the Sparks Municipal Code Title 5 "Business Licenses, Taxes and Regulations," Chapter 5.24 "Gambling Establishments" to add definitions and create the requirements of bars or bar-restaurants operating slot machines through a restricted gaming license, together with other matters properly related thereto. (Time: 4:39 p.m.)

City Clerk Teresa Gardner read the Bill by title. The second reading and public hearing will be held at the regular meeting on Monday, May 22, 2017.

9.10 FIRST READING, Bill No. 2716, an ordinance to rezone a site approximately 0.99 acres in size from SF40 (Residential Single Family – minimum lot size 40,000 sq. feet) to SF20 (Residential Single Family – minimum lot size 20,000 sq. feet) located at 3270 Spanish Springs Court, Sparks, (FOR POSSIBLE ACTION) (Time: 4:40 p.m.)

City Clerk Teresa Gardner read the Bill by title. The second reading and public hearing will be held at the regular meeting on Monday, May 22, 2017.

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

10.1 None

11. Planning and Zoning Public Hearings and Action Items

11.1 None

12. Comments

12.1 Comments from the Public (Time: 4:41 p.m.) - None

12.2 Comments from City Council and City Manager (Time: 4:42 p.m.)

City Manager Driscoll announced the following committee vacancies available for volunteer opportunities:

- Civil Service Commission, 2 members for 3-year terms
- Parks and Recreation Commission, 3 members for 3-year terms
- Reno-Tahoe Airport Authority, Board of Trustees, 1 member for a 4-year term

Applications will be accepted until close of business Thursday, May 25, 2017 at 5:00 p.m.

Council Member Dahir said there will be an Honor March on May 29, 2017 around the Marina led by Rich, a Gold Star father, and encouraged all to participate.

Council Member Abbott said the “S” will be repainted beginning at 9:00 a.m. on May 20, 2017 and all are welcome to help.

13. Adjournment

Council was adjourned at 4:43 p.m.

GENO R. MARTINI, Mayor

ATTEST:

Teresa Gardner, City Clerk

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