



MAYOR
Ron Smith

CITY COUNCIL
Donald Abbott, Ward I
Ed Lawson, Ward II
Paul Anderson, Ward III
Charlene Bybee, Ward IV
Kristopher Dahir, Ward V

CITY ATTORNEY
Chet Adams

CITY MANAGER
Neil Krutz

**REGULAR CITY COUNCIL MEETING MINUTES
2:00 P.M., Monday, November 12, 2019**

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

1. Call to Order

The regular meeting of the Sparks City Council was called to order by Mayor Ron Smith at 2:00 p.m.

2. Roll Call

Mayor Ron Smith, Council Members Donald Abbott, Charlene Bybee, Paul Anderson, Ed Lawson, Kristopher Dahir, City Manager Neil Krutz, City Attorney Chet Adams, and City Clerk Lisa Hunderman, PRESENT.

3. Opening Ceremonies

3.1 Invocation Speaker

The invocation was provided by Council Member Dahir.

3.2 Pledge of Allegiance

The Pledge of Allegiance was led by Council Member Bybee.

4. Public Comment

Sparks residents Marika Moore and Rene Johnson provided public comment requesting Council consider a ban of pet sales from entities who work with puppy mills. Ms. Johnson provided a handout regarding animal cruelty in puppy mills.

Sparks resident Ardena Perry provided public comment regarding increased activity from Washoe County Regional Animal Services (WCRAS) against business owners who deal in pet sales but do not sign a Commercial Animal Welfare permit. Ms. Perry provided a copy of correspondence between WCRAS and their legal counsel.

5. Agenda

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.

Motion: Move to approve the agenda as submitted with item 9.4 being heard before 8.1.

Moved by: Council Member Dahir

Seconded by: Council Member Abbott

Yes: Council Members Abbott, Lawson, Anderson, Dahir, Bybee

No: None
Abstain: None
Vote: Motion passed unanimously, 5-0.

6. Minutes

6.1 Consideration and possible approval of the minutes of the Sparks City Council Meeting for October 28, 2019.

Motion: Move to approve the minutes of the Sparks City Council meeting for October 28th, 2019.
Moved by: Council Member Lawson
Seconded by: Council Member Anderson
Yes: Council Members Abbott, Lawson, Anderson, Dahir, Bybee
No: None
Abstain: None
Vote: Motion passed unanimously, 5-0.

7. Announcements, Presentations, Recognition Items and Items of Special Interest

7.1 Proclamation: National Apprenticeship Week

Council declared November 11 – 17, 2019 “National Apprenticeship Week” to raise awareness of the importance and benefits of quality apprenticeship programs in our community. Apprenticeship programs help students and workers achieve and retain construction and trade careers. The proclamation was read by Mayor Smith and presented to Rob Benner with the Building and Construction Trades Council of Northern Nevada. Mr. Benner presented to Council regarding: an increased need for veteran and female participants in apprenticeship programs, financial advantages and potential career paths for program participants, the future of building and construction trades in Northern Nevada, and certificate and degree program options with Truckee Meadows Community College (TMCC). Mr. Benner invited the public to the free Women Build Nevada Career Exploration Fair at the TMCC campus November 15, 2019 9 a.m. to 2 p.m. Those interested in an apprenticeship program must be 18 years old, have a valid driver’s license, and have a high school diploma or general equivalency degree.

United Association Local 350 Plumbers, Pipefitters, and Service Technicians and Sheet Metal Workers Local Union # 26 apprenticeship program participants Travis Mullins, Denver Hughes, Christopher Martinez, and Jonathan Soto commented regarding the experiences, wages, and benefits of their respective programs. Northern Nevada Sheet Metal Apprenticeship Program Coordinator Josh Morrow provided comment on the importance of local government encouragement and support for trades programs.

7.2 Board & Commission Vacancy Announcement: Enterprise Fund Advisory Committee

City Manager Neil Krutz announced there are two (2) vacancies on the Enterprise Fund Advisory Committee for four-year terms ending on December 31, 2023. The vacancies on this committee must represent the residential or commercial

construction industries. Applications can be submitted at www.cityofsparks.us or with the City Clerk's Office and will be accepted through 5:00 p.m. on Wednesday, November 27, 2019.

7.3 Board & Commission Vacancy Announcement: Airport Noise Advisory Panel
City Manager Neil Krutz announced there is one (1) vacancy on the Airport Noise Advisory Panel for a two-year term ending on December 31, 2021. Applications can be submitted at www.cityofsparks.us or with the City Clerk's Office and will be accepted through 5:00 p.m. on Wednesday, November 27, 2019.

7.4 Boards and Commissions Vacancy Announcement: Arts and Culture Advisory Committee
City Manager Neil Krutz announced there are two (2) vacancies on the Arts and Culture Advisory Committee for two-year terms ending November 06, 2021. Requirements: Performing Arts Background and Visual Arts Background. Applications can be submitted at www.cityofsparks.us or with the City Clerk's Office and will be accepted through 5:00 p.m. on Monday, December 16, 2019.

7.5 Board & Commission Vacancy Announcement: Sparks Citizens Advisory Committee
City Manager Neil Krutz announced there are two (2) vacancies on the Sparks Citizens Advisory Committee, an alternate position for Ward 2, and a regular position for Ward 3. Both positions are coterminous with their appointing Council member with terms expiring November 04, 2022 and November 04, 2020, respectively. Applications can be submitted at www.cityofsparks.us or with the City Clerk's Office and will be accepted through 5:00 p.m. on Monday, December 16, 2019.

7.6 Board & Commission Vacancy Announcement: Sparks Planning Commission
City Manager Neil Krutz announced there are two (2) vacancies on the Sparks Planning Commission for four-year terms ending on December 31, 2023. Applications can be submitted at www.cityofsparks.us or with the City Clerk's Office and will be accepted through 5:00 p.m. on Wednesday, November 27, 2019.

7.7 Board & Commission Vacancy Announcement: Sparks Charter Committee
City Manager Neil Krutz announced there are three (3) vacancies to fill appointments on the Sparks Charter Committee for Ward 2, Ward 4 and the Mayor's appointment. These are coterminous with the term of the appointing person, with terms ending November 04, 2022. Applications can be submitted at www.cityofsparks.us or with the City Clerk's Office and will be accepted through 5:00 p.m. on Friday, November 15, 2019.

8. Consent Items (FOR POSSIBLE ACTION)

Motion: Move to approve consent items 8.1 through 8.4 as submitted,
Moved by: Council Member Abbott
Seconded by: Council Member Dahir

Yes: Council Members Abbott, Lawson, Anderson, Dahir, Bybee
No: None
Abstain: None
Vote: Motion passed unanimously, 5-0.

8.1 Consideration and possible acceptance of the report of the claims and bills approved for payment and appropriation transfers for the period of October 12, 2019 through October 28, 2019. (FOR POSSIBLE ACTION)

An agenda item from Chief Financial Officer Jeff Cronk requesting approval of the report of claims and bills approved for payment and the appropriation transfers for the period of October 12, 2019 through October 28, 2019 as presented by staff.

8.2 Consideration and possible approval of an expenditure of \$55,951.94 to purchase two police motorcycles from Sierra BMW utilizing a joinder with the State of Nevada contract number 65DPS-S228. (FOR POSSIBLE ACTION)

An agenda item from Assistant City Manager John Martini and Public Works Manager Ron Korman requesting Council approval of an expenditure of \$55,951.94 for two motorcycles from Sierra BMW. Both police traffic motorcycles have exceeded expected life cycle and need replacement.

8.3 Consideration and possible approval of an expenditure of \$117,334 to purchase 295,551 pounds of Crafcro Polyflex II and associated material necessary for the application of crack sealer from Crafcro Inc. utilizing a joinder bid from the State of Nevada Bid NO. 80DOT-NV20-2509. (FOR POSSIBLE ACTION)

An agenda item from Assistant City Manager John Martini and Public Works Manager Ron Korman requesting Council approval of an expenditure of \$117,334 to purchase 295,551 pounds of Crafcro Polyflex II and associated material necessary for the application of crack sealer from Crafcro Inc. utilizing a joinder bid from the State of Nevada Bid No. 80DOT-NV20-2509. As part of the City's annual street preventative maintenance program, public works maintenance applies crack sealer material to seal cracks in existing pavements prior to the application of slurry seal.

8.4 Consideration, discussion, and possible approval of Impact Fee Agreement No. 29 (AC-5622) with Sparks Stonebrook, LLC to allow for participation and use of credits in Impact Fee Service Area No. 1. (FOR POSSIBLE ACTION)

An agenda item from Assistant City Manager John Martini and City Engineer Jon Ericson requesting Council approval of Impact Fee Agreement No. 29 (AC-5622) with Sparks Stonebrook, LLC to allow for participation and use of credits in Impact Fee Service Area No. 1. Participation and use of credits support infrastructure within the service area for sanitary sewer, flood control, parks and recreation, and fire station projects.

9. General Business

9.1 Consideration, discussion and possible approval of the appointments to the Sparks Senior Citizens Advisory Committee (SSCAC) for two (2) alternate

positions that will be coterminous with their appointing elected official, subject to reappointment every two years, from the following pool of applicants listed in alphabetical order: Ferol Arnold; Bessie Cann; Raynell Holtz; Lana Hunter; Eric Juarez; Kim Spoon. (FOR POSSIBLE ACTION)

An agenda item from City Manager Neil Krutz requesting approval of two (2) appointments to the Sparks Senior Citizens Advisory Committee (SSCAC) for alternate positions that will be coterminous with their appointing elected official and subject to reappointment every two years. The Ward 2 alternative representative will fill a vacancy through November, 2022 and the Ward 5 alternative representative will fill a vacancy through November, 2020.

Motion: Move to approve to accept the Mayor's recommendations to appoint Kim Spoon as the Ward 2 Alternate representative and Raynell Holtz as the Ward 5 Alternate representative to the Sparks Senior Citizens Advisory Committee, coterminous with their appointing elected official.

Moved by: Council Member Dahir

Seconded by: Council Member Anderson

Yes: Council Members Abbott, Lawson, Anderson, Dahir, Bybee

No: None

Abstain: None

Vote: Motion passed unanimously, 5-0.

9.2 Consideration and possible approval of an expenditure of \$323,703 to provide parts and labor to refurbish three of the Fire Department's brush trucks at Firetrucks Unlimited utilizing a joinder bid from Unified Fire Authority Contract #UFA 14-110. (FOR POSSIBLE ACTION)

An agenda item from Assistant City Manager John Martini and presented by Public Works Manager Ron Korman and Fire Chief Jim Reid requesting Council approval of an expenditure of \$323,703 to provide parts and labor to refurbish three of the Fire Department's brush trucks at Firetrucks Unlimited utilizing a joinder bid from Unified Fire Authority Contract #UFA 14-110. Refurbishment includes stripping each vehicle down to the frame, blasting and repainting the frames, wear-and-tear and other repairs as necessary.

Motion: Move to approve the expenditure of \$323,703 to provide parts and labor to refurbish three of the Fire Department's brush trucks at Firetrucks Unlimited utilizing a joinder bid from Unified Fire Authority Contract #UFA 14-110.

Moved by: Council Member Lawson

Seconded by: Council Member Dahir

Yes: Council Members Abbott, Lawson, Anderson, Dahir, Bybee

No: None

Abstain: None

Vote: Motion passed unanimously, 5-0.

9.3 Consideration and possible approval of an expenditure of \$586,337.42 to purchase eighteen new vehicles from Champion Chevrolet utilizing a joinder with the State of Nevada contract number 99SWC-S490. (FOR POSSIBLE ACTION)

An agenda item from Assistant City Manager John Martini and presented by Public Works Manager Ron Korman requesting Council approval of an expenditure of \$586,337.42 to purchase 18 new vehicles from Champion Chevrolet utilizing a joinder with the State of Nevada contract number 99SWC-S490. Eleven vehicles will be replaced and have exceeded their life cycle. Seven new vehicles were included in the City Manager's recommendations for new needs and will be assigned to new positions as approved in the FY20 budget. Vehicles will arrive in stages based on vehicle type and usage, and all should be incorporated into the fleet by the end of March, 2020.

Motion: Move to approve an expenditure of \$586,337.42 to purchase eighteen new vehicles from Champion Chevrolet utilizing a joinder with the State of Nevada contract number 99SWC-S490.

Moved by: Council Member Bybee

Seconded by: Council Member Abbott

Yes: Council Members Abbott, Lawson, Anderson, Dahir, Bybee

No: None

Abstain: None

Vote: Motion passed unanimously, 5-0.

9.4 Consideration, discussion, and possible direction to the City Attorney's Office regarding the City's participation In re: National Prescription Opiate Litigation, whether the City of Sparks should opt out of the multi-district litigation negotiation class in the United States District Court for the Northern District of Ohio (Case No. 1:17-md-2804), and whether to engage outside counsel regarding potential litigation. (FOR POSSIBLE ACTION)

This agenda item was heard before item 8.1. An agenda item from City Attorney Chet Adams and presented by Assistant City Attorney Brandon Sendall requesting Council consideration, discussion, and possible direction to the City Attorney's Office regarding the City's participation in re: National Prescription Opiate Litigation, whether the City of Sparks should opt out of the multi-district litigation negotiation class in the United States District Court for the Northern District of Ohio (Case No. 1:17-md-2804), and whether to engage outside counsel regarding potential litigation.

Mr. Sendall presented three alternatives for Council consideration: direct the City Attorney's office to refrain from filing an Exclusion Request Form, keeping the City of Sparks in the multi-district litigation negotiation class; direct the City Attorney's Office to file an Exclusion Request Form and direct the City Manager to bring a future agenda item before the City Council to address options for opioid-related litigation; or direct the City Attorney's Office to file an Exclusion Request Form and direct the City Manager and City Attorney's Office to retain outside counsel to pursue litigation against the appropriate opioid-related entities.

Robert Eglet with Eglet Adams Law Firm presented to Council regarding opioid addiction, pharmaceutical marketing history and influence, and impacts of the epidemic in Nevada. Mr. Eglet outlined potential damages that could be pursued if the City of Sparks initiated prosecution and commented his law firm represents the majority of jurisdictions in the state of Nevada.

Council asked if damages pursued would be specific to the City of Sparks; if litigation is necessary for the City's level of opiate challenges; how private counsel and litigation would affect City staffing and costs; what data would need to be acquired from the City; and how HIPAA and the privacy of employee records would factor into the discovery process. Mr. Eglet explained damages would be Sparks-specific; opiate challenges exist in every city in Nevada as the state ranks fourth in the nation for opiate addiction; if staff hours are needed compensation would be reimbursed immediately with expenses recouped by the law firm at the end of the case, but experience so far has shown that with only minimal time has taken from department heads and those compiling records and required data such as first responder statistics; and the law-firm is well-versed in HIPAA and employee privacy laws. Council asked if heroin addiction issues can be addressed in litigation as damages tied to opiate addiction; Mr. Eglet confirmed yes. Finally, Council asked if there is a timeframe in which legal counsel must be sought if not agreed upon today; Mr. Eglet confirmed there is no specified time limit, however as his firm moves toward discovery for other jurisdictions it may be more cost- and time-effective for all parties involved to have a coordinated effort.

Motion: Move to opt out of the multi-district litigation negotiation class.
Moved by: Council Member Lawson
Seconded by: Council Member Anderson
Yes: Council Members Abbott, Lawson, Anderson, Dahir, Bybee
No: None
Abstain: None
Vote: Motion passed unanimously, 5-0.

Following the vote, Council directed the City Manager's office to bring an agenda item before the City Council addressing options for opioid-related litigation and counsel.

9.5 Consideration of and possible action on a request to direct the City Manager to review and propose changes to Title 20 of the Sparks Municipal Code to add locational criteria for signs and additional permitted uses, specifically internet-based retail and auto-oriented uses, in the Mixed-Use (zoning) Districts. (FOR POSSIBLE ACTION)

An agenda item from Council Member Ed Lawson and presented by Planning Manager Jim Rundle requesting Council consideration and possible action on a request to direct the City Manager to review and propose changes to Title 20 of the Sparks Municipal Code to add locational criteria for signs and additional permitted

uses, specifically internet-based retail and auto-oriented uses, in the Mixed-Use (zoning) Districts.

During the October 14, 2019 City Council meeting, Councilman Lawson asked the City Manager to return with an agenda item to allow the City Council to direct the City Manager to review and propose changes to Title 20 of the Sparks Municipal Code (Zoning Code). This agenda item fulfills Council Member Lawson's request.

Motion: Move to direct the City Manager to review and propose changes to Title 20 of the Sparks Municipal Code to add locational criteria for signs and additional permitted uses, specifically internet-based retail and auto-oriented uses, in the Mixed-Use (zoning) Districts.

Moved by: Council Member Lawson

Seconded by: Council Member Anderson

Yes: Council Members Abbott, Lawson, Anderson, Dahir, Bybee

No: None

Abstain: None

Vote: Motion passed unanimously, 5-0.

City Manager Neil Krutz left the dais at 3:26 p.m., replaced by Assistant City Manager Doug Thornley, and returned to the dais at 3:30 pm.

9.6 Consideration, discussion and possible approval of Resolution No. 3354, adopting the 2019 Fiscal Impact Analysis Guidelines as the standard for fiscal impact analyses submitted with land use entitlement requests. (FOR POSSIBLE ACTION)

An agenda item from City Manager Neil Krutz and presented by Assistant Community Services Director Armando Ornelas requesting Council consideration, discussion and possible approval of Resolution No. 3354, adopting the 2019 Fiscal Impact Analysis Guidelines as the standard for fiscal impact analyses submitted with land use entitlement requests.

In 2018, Council approved a contract with Economic and Planning Systems, Inc. (EPS). The scope of work included development of a fiscal impact analysis model to produce objective and consistent estimates of the cost and revenue impacts to the City's General and Road Funds associated with new development. The model EPS developed, referred to as the 2019 Fiscal Impact Analysis Guidelines, was presented to Mayor Smith, Council and the Sparks Planning Commission during a joint workshop on September 23, 2019. At that time the City Manager was directed by Council to return with an agenda item requesting model approval.

Council asked if applicants can appeal if the fiscal impact analysis is determined inadequate, and when the new guidelines would be effective, and what the plan is for notifying developers of new expectations; Mr. Ornelas explained the fiscal impact analysis is only one consideration of many, guideline implementation is anticipated for late December, 2020 for new applicants, and new guidelines will be

included on the City of Sparks website and with Land Use Entitlement application requirement information.

Assistant City Attorney Brandon Sendall replaced City Attorney Chet Adams at the dais at 3:38 p.m.

Motion: Move to approve Resolution No. 3354, adopting the 2019 Fiscal Impact Analysis Guidelines as the standard for fiscal impact analyses submitted with land use entitlement requests.

Moved by: Council Member Lawson

Seconded by: Council Member Bybee

Yes: Council Members Abbott, Lawson, Anderson, Dahir, Bybee

No: None

Abstain: None

Vote: Motion passed unanimously, 5-0.

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

None

11. Planning and Zoning Public Hearings and Action Items

11.1 PUBLIC HEARING, Consideration of and possible action on a request to amend the Tentative Development Handbook for the Kiley Ranch North Planned Development, generally located north of the southern division of Kiley Ranch, east of Pioneer Meadows Planned Development, south of Lazy 5 Regional Park and along Pyramid Highway, Sparks, Nevada, on a site approximately 874.2 acres in size in the NUD (New Urban District) zoning district; to revise Exhibit 1-3, Master Plan, and Table 1-1 to comply with the Comprehensive Plan Land Use Map, change the floor area ratios for development, amend development standards, and other matters related thereto (PCN18-0006/PD18-0001). (FOR POSSIBLE ACTION)

An agenda item from applicant KM2 Development, Inc., and presented by Development Services Manager Karen Melby approval of amending the tentative development handbook for the Kiley Ranch North Planned Development, PCN18-0006/PD18-0001. Amendment to the tentative handbook would bring the Kiley Ranch North Land Use Plan Designations and the Kiley Ranch North Land Use Plan into conformance with a Comprehensive Plan amendment Council certified in January 2019. Other proposed changes would revise the Community Vision section of Chapter 1, modify the floor area ratios for the Commercial and Business Park land use designations, revise Table 2-1 (Land Use Matrix) to add Warehousing and Distribution as a permitted use in the Business Park land use designation, and update the street network and infrastructure maps to reflect current conditions.

Council Member Anderson left the dais at 3:48 p.m.

Mayor Smith asked for clarification on a \$25 million deficit mentioned in Mrs. Melby's presentation. Mr. Ornelas clarified in a submitted Fiscal Impact Analysis, General Funds and Road Funds are reviewed separately, and in this case the positive

in the general fund and the negative in the road fund creates the deficit with regards to funds over the next 20 years. Mr. Ornelas also noted this was anticipated in the City's long-term fiscal analysis and ultimately offset by the positive General Fund.

Public Hearing was opened at 3:52 p.m. Mike Raley with Christy Corporation commended Mrs. Melby for her work and commented he is available for any questions.

Motion: Move to approve the amended Tentative Development Handbook for the Kiley Ranch North Planned Development, generally located north of the southern division of Kiley Ranch, east of Pioneer Meadows Planned Development, south of Lazy 5 Regional Park and along Pyramid Highway, Sparks, Nevada, on a site approximately 874.2 acres in size in the NUD (New Urban District) zoning district; to revise Exhibit 1-3, Master Plan, and Table 1-1 to comply with the Comprehensive Plan Land Use Map, change the floor area ratios for development, amend development standards, and other matters related thereto.

Moved by: Council Member Dahir

Seconded by: Council Member Bybee

Yes: Council Members Abbott, Lawson, Dahir, Bybee

No: None

Abstain: None

Absent: Council Member Anderson

Vote: Motion passed unanimously, 4-0.

12. Comments

12.1 Comments from the Public

None

12.2 Comments from City Council and City Manager

None

13. Adjournment

Council was adjourned at 3:55 p.m.

Ronald E. Smith, Mayor

ATTEST:

Lisa Hunderman, City Clerk

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