



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, July 24, 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: 2:01 p.m.)

The Pledge of Allegiance was led by Council Member Donald Abbott.

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

A woman said she was speaking anonymously due to the pushback survivors of domestic violence and their children are receiving from the government and gave an update on legal causes of action, and provided documentation.

City of Sparks Special Events Coordinator Francine Burge, RTC Public Affairs Administrator Michael Moreno and City of Reno Arts, Culture and Events Manager Alexis Hill talked about the "Don't Drive Arrive" campaign encouraging citizens to walk, bike or use public transportation to attend special events.

Wesley Griffin, George Lee and Darlene Hesse all spoke against losing the Wildcreek Golf Course to Washoe County School District for a possible high school site.

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 Smith, seconded by Council Member Bybee, 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 July 10, 2017. (FOR POSSIBLE ACTION) (Time: 2:24 p.m.)

A motion was made by Council Member Dahir, seconded by Council Member Abbott, to approve the minutes of the regular Sparks City Council meeting on July 10, 2017. 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 Presentation: NDOT / Spaghetti Bowl Project (Time: 2:25 p.m.)

Nevada Department of Transportation (NDOT) Senior Manager Nick Johnson gave an update on the spaghetti bowl project. The purpose of the proposed project is to improve safety, design and functionality, current and future congestion, interchange capacity demands and address future regional transportation needs. NDOT will be providing outreach to the City of Sparks with public meetings, stakeholder meetings and ongoing updates. Information is available at www.ndotspaghettibowl.com.

7.2 Presentation: Nevada Chapter of the American Planning Association's 2017 Nevada Planning Guide and an overview of the Nevada Leadership Program at the University Center for Economic Development at the University of Nevada, Reno. (Time: 2:39 p.m.)

American Planning Association Chapter Planning Official Development Officer and Washoe County Senior Planner Julie Hunter and American Planning Association Chapter Secretary and Assistant Research Professor for the Center for Economic Development at UNR Frederick Steinmann gave an overview of the Nevada Planning Guide which is available on-line. The American Planning Association's mission is to provide educational and professional development opportunities.

8. Consent Items (FOR POSSIBLE ACTION) (Time: 2:43 p.m.)

A motion was made by Council Member Dahir, seconded by Council Member Lawson, to approve consent items 8.1 and 8.2 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 June 22, 2017 through July 5, 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 an application for a Gaming License for Plantation Investments, LLC dba Rail City Casino, located at 2121 Victorian Avenue, Sparks, NV, submitted by Mr. Stephen Joseph Yarrow aka Stephen Francis Yarrow. (FOR POSSIBLE ACTION)

An agenda item from Police Chief Brian Allen recommending Council approve Mr. Stephen Joseph Yarrow aka Stephen Francis Yarrow's application for a Gaming License for Plantation Investments, LLC, dba Rail City Casino, located at 2121 Victorian Avenue, Sparks, Nevada, contingent upon the location being inspected and approved by every city, county, district, and state agency having jurisdiction over the matter and upon fingerprints being returned from the FBI that do not reflect any disqualifying arrests/convictions. There is a \$21,525 quarterly positive impact to the general fund.

9. General Business

9.1 Presentation, discussion and possible approval of staffing complement changes needed to accommodate proposed staffing changes within the Community Services Department and the Financial Services Department. (FOR POSSIBLE ACTION) (Time: 2:45 p.m.)

An agenda item from Human Resources Manager Mindy Falk and Financial Services Director Jeff Cronk recommending Council approve the staffing complement changes. The retirement of the Sr. Administrative Analyst at the Truckee Meadow Water Reclamation Facility has afforded the opportunity to evaluate accounting, budgeting, and financial analysis needs within the Community Services and Financial Services departments and to align resources to meet those needs. The department heads met, reviewed the duties, and agreed it would be best if the accounting, budgeting, and analysis duties shifted to the Financial Services department. There is a positive impact of \$7,059 to the general fund for fiscal year 2018.

A motion was made by Council Member Dahir, seconded by Council Member Abbott, to approve the staffing complement changes as proposed within the Community Services department and the Financial Services department. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.2 Consideration and possible approval of reimbursement to the City of Reno in the amount of \$567,508.96 for Sparks' share of a construction bid award to Applied Mechanical, Inc. for the Various Buildings HVAC Replacement Project at the Truckee Meadows Water Reclamation Facility (TMWRF). (FOR POSSIBLE ACTION) (Time: 2:46 p.m.)

An agenda item from TMWRF Plant Manager Michael Drinkwater recommending Council approve Sparks' share the contract. This project will replace aged HVAC facilities for six existing buildings at the plant: Chemical Building #1, Digester #4 Control Building, Electrical Building, Methanol Building, Filter Building, and Primary Sludge Screening Building. Replacement of these systems will result in more efficient operation, improve safety and working conditions for plant employees, and help reliably maintain facility operations. Funding is from the sanitary sewer capital project fund; there is no impact to the general fund.

A motion was made by Council Member Bybee, seconded by Council Member Smith, to approve reimbursement to the City of Reno for Sparks' share of the various buildings HVAC replacement project in an amount not to exceed of \$567,508.96. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.3 Consideration and possible approval of a reimbursement to the City of Reno in the amount of \$161,226.11 for Sparks' share of a contract with KG Walters Construction for the 2017 Clarifier Rehabilitation Project at the Truckee Meadows Water Reclamation Facility (TMWRF). (FOR POSSIBLE ACTION) (Time: 2:48 p.m.)

An agenda item from TMWRF Plant Manager Michael Drinkwater recommending Council approve Sparks' share the contract. The rehabilitation project consists of the repair of expansion joints, replacement of the steel roller wear ring, providing minor repairs to the grout beds, concrete walls and some portions of the steel hardware. This work is considered necessary to prevent further deterioration of aging concrete structural components, which if not addressed could result in the need to replace the structure. Funding is from the sanitary sewer operations fund; there is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to approve the reimbursement to the City of Reno for the Sparks' share of the construction of the 2017 Clarifier Rehabilitation Project in an amount not to exceed \$161,226.11. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

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

10.1 Public Hearing, consideration and possible approval of the Program Year 3, Fiscal Year 2017/18 Community Development Block Grant (\$738,362.25 is available) and HOME Consortium Annual Action Plan (AC-5390). (FOR POSSIBLE ACTION) (Time: 2:50 p.m.)

An agenda item from Housing Specialist George Graham recommending Council approve the submittal to the U.S. Department of Housing and Urban Development the FY 2017/2018 Annual Action Plan and proposed project funding allocations. The Action Plan serves as the application for CDBG Entitlement Communities such as the City of Sparks. The 2017/2018 Annual Action Plan outlines the activities the City of Sparks plans to undertake in Program Year 3 (FY 2017/2018) of the City's Consolidated Plan for the 2015-2019 period, leveraging CDBG funding to address housing needs, public services and homelessness prevention under the objectives of a suitable living environment and decent housing. The 2017/18 Annual Action Plan allocates a total of \$738,362.25, which is comprised of \$622,192 in new CDBG entitlement funding plus \$116,170.25 in unspent funds from previous years that will be reprogrammed and used to fund previously approved activities. There is no impact to the general fund.

The Public Hearing was opened at 2:53; no comments were received.

A motion was made by Council Member Lawson, seconded by Council Member Smith, to approve the proposed project funding allocations and to submit the Program Year 3, Fiscal Year 2017/2018 Annual Action Plan to the U.S. Department of Housing and Urban Development. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

11. Planning and Zoning Public Hearings and Action Items

11.1 Appeal of a Planning Commission decision on PCN17-0030 to deny a Conditional Use Permit request to allow a minor recreational facility on a site 1.68 acres in size in the I (Industrial) zoning district located at 1455 Deming Way, Sparks, NV. (FOR POSSIBLE ACTION) (Time: 2:54 p.m.)

An agenda item from Assistant Community Services Director Armando Ornelas and Assistant Senior Civil Attorney Doug Thornley recommending Council hear the appellant's presentation. PCN17-0030 is a request for a Conditional Use Permit (CUP) for a minor recreational facility on a site 1.68 acres in size in the I (Industrial) zoning district located at 1455 Deming Way, Sparks, NV. The Planning Commission considered the request on July 6, 2017 and, after conducting a public hearing, denied the request. On July 10, 2017, the applicant, Rival Enterprises, LLC, appealed the Planning Commission's decision to the City Council. There is no impact to the general fund.

Mr. Ornelas said the purpose of a CUPs is to promote the public health, safety and general welfare by providing for special safeguards in the location and design of certain uses and safeguards in certain zoning districts, and by allowing for minor adjustments in the impact of some regulations of the planning and zoning code (SMC 20.05.08).

The Planning Commission expressed and discussed their concerns regarding whether the amount and location of off-street parking available to Rival Enterprises would prevent their clientele from parking on Deming Way and creating potential traffic and pedestrian safety conflicts with the large number of trucks used by neighboring businesses. The Planning Commission denied the application for a CUP by a 3-2 vote; the motion for denial was an inability to make two findings:

Finding C1 – the proposal, as submitted and conditioned, is in compliance with the Comprehensive Plan; and

Finding C2 – the application, as submitted and conditioned, is compatible with the existing or permitted uses of adjacent properties.

Council discussed concerns with parking and staff pointed out the areas of concern on a map.

Rival Enterprises' Kristian Meyer presented his appeal by reviewing the Planning Commission's denial and explaining the Rival Battle Arena's recreational business. Mr. Meyer discussed parking and why he believes there is adequate parking based on their peak days and hours of operation. Mr. Meyer discussed a parking study he conducted based on Rival's hours of operation and utilizing the parking area to the rear of the building, in which he could provide rear access. Mr. Meyer also surveyed other businesses in the area and said he had support for this use from 16 of 20, and 4 were not available to survey. Mr. Meyer requested approval of this project. Mr. Meyer's presentation is attached to the staff report.

City Attorney Adams confirmed with Mr. Meyer that the parking study and agreement of other tenants was the only new information provided. Council further discussed the parking situation, current ordinances and codes, and city staff's recommendation to the Planning Commission to approve the CUP. Mayor Martini said he would encourage the Council to make a decision and not remand to the Planning Commission. City Attorney Adams said if the Council decides to overturn the decision of the Planning Commission, it should be based on the same evidence presented to the Planning Commission. If new evidence is considered, it may be circumventing the purpose of the Planning Commission. Council has the option to affirm or reverse the Planning Commission's decision, or remand PCN17-0030 back to the Planning Commission. Council Member Lawson said he supports remanding this back to the Planning Commission with City

Council input. Community Services Director John Martini requested a recess to allow staff to prepare additional recommended conditions if the Council was considering approval of this appeal.

The Public Hearing was opened at 3:38 p.m., no comments were received.

A five-minute recess was held.

Senior Assistant City Attorney Doug Thornley proposed two additional conditions of approval be included:

4. The applicant provide and maintain, with an adjacent property owner, a reciprocal parking and access agreement.
5. The applicant establish and provide alternate access to the west side of the property with approval by the administrator.

Applicant Kristian Meyers agreed with the original three conditions and agreed with the two additional conditions.

A motion was made by Council Member Smith, seconded by Council Member Bybee, to reverse the decision of the Planning Commission and approve the Conditional Use Permit request associated with PCN17-0030 with the additional 2 conditions for a total of 5 conditions. Council Members Smith, Bybee, Dahir, YES. Council Members Abbott, Lawson, NO. Motion carried 3-2.

12. Comments

12.1 Comments from the Public (Time: 3:51 p.m.) - None

12.2 Comments from City Council and City Manager (Time: 3:51 p.m.)

City Manager Driscoll announced one vacancy on the Sierra Arts Foundation Board of Trustees for a one-year term. Applications will be accepted until Monday, July 31, 2017 at 4:00 p.m.

Council Member Dahir requested the City Manager research options for a community garden in the City of Sparks.

13. Adjournment

Council was adjourned at 3:53 p.m.

GENO R. MARTINI, Mayor

ATTEST:

Teresa Gardner, City Clerk

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