



MAYOR
Geno Martini

CITY COUNCIL
Julia Ratti, Ward I
Ed Lawson, Ward II
Ron Smith, Ward III
Mike Carrigan, Ward IV
Ron Schmitt, Ward V

CITY ATTORNEY
Chet Adams

REGULAR CITY COUNCIL MEETING

2:00 P.M., Monday, January 13, 2014

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

Call to Order (Time: 2:00 p.m.)

1. 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 Julia Ratti, Ed Lawson, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams and City Clerk Teresa Gardner, PRESENT.

ABSENT: None

Staff Present: Tracy Domingues, Jim Rundle, Neil Krutz, Brian Allen, Andy Koski, Steve Driscoll, Chris Cobb, Armando Ornelas, Andy Hummel, John Martini, Tim Thompson, Kim Laber, Bill Lutsch, Todd Saxberg, Karen Melby, Doug Thornley, Stacie Hemmerling, Michael Drinkwater, Adam Mayberry, Jon Ericson, Francine Burge, Dan Marran, Ron Korman

Invocation Speaker (Time: 2:01 p.m.)

The invocation was provided by Pastor Barb West, Sparks Church of the Nazarene.

Pledge of Allegiance (Time: 2:03 p.m.)

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

Comments from the Public (Time: 2:04 p.m.)

- Ron King requested the City Council investigate the possibility of establishing a quiet zone in the City of Sparks for the Union Pacific Railroad. Currently, train whistles are blown throughout the night. In addition, Mr. King requested the City Council consider adopting a resolution in support of safe schools. Mr. King has received a large response from efforts started in November 2013 which included distribution of wristbands and he is in the process of forming a non-profit organization. Mayor Martini said the quiet zone issue will likely be placed on the agenda for consideration by the Council.
- Shirley Bertschinger and Lucille Adin spoke in opposition of allowing a Wal-Mart to be built at the Legends.

Approval of the Agenda (Time: 2:11 p.m.)

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 Lawson, seconded by Council Member Schmitt, to move item 8.1 to follow the Consent Items. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

A motion was made by Council Member Carrigan, seconded by Council Member Lawson, to approve the agenda as amended. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

3. Recommendation to Approve Minutes of the Utility Rate Workshop for December 2, 2013 and the regular Sparks City Council Meeting for December 9, 2013. (Time: 2:12 p.m.)

3.1 Consideration and possible approval of the minutes of the Utility Rate Workshop for December 2, 2013 and the regular Sparks City Council Meeting for December 9, 2013.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the minutes of the Utility Rate Workshop for December 2, 2013 and the regular Sparks City Council Meeting for December 9, 2013 as outlined by staff. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

4. Announcements, Presentations, Recognition Items and Items of Special Interest (Time: 2:12 p.m.) - None

5. Consent Items (Time: 2:13 p.m.)

A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve the consent items as submitted. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

5.1 Report of Claims and Bills approved for payment and appropriation transfers for the period November 21, 2013 through December 24, 2013. (FOR POSSIBLE ACTION)

An agenda item from Finance Manager Jeff Cronk recommending the City Council approve the report of claims and bills as presented in the staff report.

5.2 Consideration and possible approval of a Reversion to Acreage Map for The Estate of Anna M. Dannehl.

An agenda item from City Engineer John Martini recommending Council approve the reversion to acreage map for the Estate of Anna M. Dannehl, Lots 6 and 7 of Tract Map 511. There is no impact to the general fund.

5.3 Consideration and possible award of the Victorian Square Garage Elevator Upgrades to Koch Elevator Company, in the amount of \$142,370.

An agenda item from Capital Projects Manager Chris Cobb recommending Council to award the Victorian Square Garage Elevator Upgrades to Koch Elevator Company, in the amount of \$142,370. Funding is from 2014 CIP fund. There is no impact to the general fund.

5.4 Consideration and possible approval to purchase one Crafcro crack sealing dispenser machine from Construction Sealants / Crafcro in the amount of \$83,428.79.

An agenda item from Fleet & Facilities Manager Ron Korman recommending Council approve the purchase of a Crafcro crack sealing dispenser machine from Construction Sealants/Crafcro in the amount of \$83,428.79. This machine will replace the current crack sealing dispenser, which was purchased in 1999 and currently has 4500 hours of use. The expense to maintain this piece of equipment has exceeded its value. Funding is from the 2014 CIP fund. There is no impact to the general fund.

5.5 Consideration and possible approval to purchase one Prodigy 14-passenger bus from Northwest Bus Sales Inc. in the amount of \$57,754.00.

An agenda item from Fleet & Facilities Manager Ron Korman recommending Council approve purchase of a Prodigy 14-passenger bus from Northwest Bus Sales Inc. in the amount of \$57,754.00. This vehicle will replace 23B and 27A. 23B and 27A are underutilized and will replace other older vans in the City fleet. This new minibus will be ADA compliant with a wheelchair lift. Funding is from the 2014 CIP fund. There is no impact to the general fund.

Heard item 8.1 (Time: 2:14 p.m.)

6. General Business

6.1 Consideration and possible acceptance of overtime reimbursement funds from the United States Marshal's Service in the amount of \$17,200.00.

(Time: 4:17 p.m.)

An agenda item from Police Chief Brian Allen recommending Council accept the \$17,200.00 distributed by the U.S. Marshal's Office for reimbursement of Sparks' Police overtime costs. The Sparks Police Department participates in a regional fugitive task force operated by the United States Marshal's Office. Participation in the task force allows the Sparks Police Department greater capabilities to track and capture fugitives who have fled our jurisdiction or attempt to hide locally, and other investigations. The United States Marshal's Office wishes to contribute \$17,200.00 to the City of Sparks for overtime reimbursement funds. There is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to accept the \$17,200.00 distributed by the U.S. Marshal's Office for reimbursement of Sparks' Police overtime costs. Council Members Lawson, Smith, Carrigan, Schmitt, YES. Council Member Ratti, ABSENT. Passed unanimously with those present.

6.2 Consideration and possible acceptance of a traffic safety grant in the amount of \$15,931 to fund the purchase of police traffic radar units. (Time: 4:18 p.m.)

An agenda item from Police Chief Brian Allen recommending Council approve and accept the traffic safety grant from the State of Nevada Department of Public Safety, Office of Traffic Safety. As part of its annual Traffic Safety Plan, the Office of Traffic Safety makes funds available to agencies who work to forward the goals and initiatives of the Office. The Sparks Police Department identified a need to provide a different type of speed measuring radar unit to officers who work traffic enforcement and requested funding from the Office of Traffic Safety to

facilitate the purchase. The new units will assist officers in identifying speeding vehicles so that enforcement action can be taken. There is no impact to the general fund.

Council Member Lawson asked the number of radar units to be replaced. Chief Allen did not have the total number, but said they run about \$2,000 each.

A motion was made by Council Member Lawson, seconded by Council Member Smith, to accept the traffic safety grant from the State of Nevada Department of Public Safety, Office of Traffic Safety. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

6.3 Consideration and possible award of a contract to provide Inspection and Materials Testing Services for the North Truckee Drain Realignment Phase 1 Project with Construction Materials Engineers, Inc. in the amount of \$585,264. (FOR POSSIBLE ACTION) (Time: 4:20 p.m.)

An agenda item from Utility Manager Andrew Hummel recommending Council award the contract. The North Truckee Drain Realignment Phase 1 Project was awarded to Q&D Construction at the December 9, 2013 City Council meeting. Work is anticipated to begin as early as mid-January. Due to the scope of this project, a significant amount of materials testing (concrete, reinforcing rebar, pavement, and soil backfill) will be required. Funds are available in the Storm Drains Capital Fund. There is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to award the contract to provide inspection and materials testing services for the North Truckee Drain Realignment Phase 1 Project to Construction Materials Engineers, Inc. in the amount of \$585,264. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

6.4 Consideration and possible ratification of certain operational expenses for the Headworks Emergency at the Truckee Meadows Water Reclamation Facility from January 11, 2013 through February 25, 2013. (Time: 4:22 p.m.)

An agenda item from Treatment Plant Manager Michael Drinkwater recommending Council approve the reconciliation of expenditures for the TMWRF Headworks Emergency. The City of Sparks declared an emergency on the morning of January 11th, 2013 due to the failure of the discharge piping on two of the raw sewage pumps in the headworks portion of the treatment plant. The pipe failures called into question the ability of the plant to pump sewage which would have posed an immediate threat to public health. Operational costs associated with this emergency currently are expected to total \$1,492,680.97. Incurred costs and have been charged to a variety of accounts and programs within the treatment plant operational budget, mostly during Fiscal Year 2012-2013. There is no impact to the general fund.

Council Member Smith said this emergency was very well handled by the city and it could have cost a lot more than it actually did; kudos to Mr. Drinkwater and for Sparks public safety for their handling of this emergency.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to approve the reconciliation of expenditures for the TMWRF Headworks Emergency. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

6.5 Consideration and possible approval of the reimbursement to the City of Reno for Sparks' share of construction costs incurred during the Capital Project phase of the Headworks Emergency at the Truckee Meadows Water Reclamation Facility (TMWRF) beginning February 25, 2013, in an amount not to exceed \$2,504,812.48. (Time: 4:24 p.m.)

An agenda item from Treatment Plant Manager Michael Drinkwater recommending Council approve the reimbursement to the City of Reno for Sparks' share of the headworks emergency in the amounts delineated in the staff report. Staff is asking the City Council to approve reimbursement to the City of Reno in the amount of up to \$2,504,812.48 for its share of engineering and construction costs for the repairs made during the capital project phase of the headworks emergency at TMWRF, beginning on February 25, 2013. These activities were necessary to ensure continued treatment of the sewage to protect public health and the environment.

The project consisted of new discharge piping, valves, valve vault and control gates as well as repairs to existing control gates and concrete surfaces to return the headworks to proper functioning. The total cost of the capital project is estimated to be \$7,984,738.55. When the expenses from the operational phase are included, the total cost of the emergency is estimated to be \$9,477,419.52. \$1,698,280.51 of the emergency expense and liability was recognized in FY 2013. There is no impact to the general fund.

Mayor Martini asked Mr. Drinkwater to explain Sparks' and Reno's roles. Mr. Drinkwater responded that Sparks owns 31.37% of the treatment plant; Reno owns 68.63%. Sparks operates the treatment plant; has all city employees. Reno manages the capital improvement program. Reno is in charge of bidding and contract awards. The City of Reno pays the contract and consultant; sparks reimburses their percentage.

A motion was made by Council Member Lawson, seconded by Council Member Ratti, to approve the reimbursement to the City of Reno for Sparks' share of the headworks emergency in the amounts delineated in the staff report. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

6.6 Consideration and possible approval of reimbursement to the City of Reno in the amount of up to \$141,841.34 for Sparks' share of a consulting Agreement with Carollo Engineers, Inc. for construction management services associated with the Digester Gas Conditioning System Project at the Truckee Meadows Water Reclamation Facility (TMWRF.) (Time: 4:26 p.m.)

An agenda item from TMWRF Operations Manager Todd Saxberg recommending Council grant reimbursement to the City of Reno for Sparks' share of the construction management agreement in the amount of \$141,841.34. Previous authorized design work has resulted in the final design of a Digester Gas Conditioning System that when constructed will provide for compliance with Air Quality regulations through the control of H₂S and siloxanes, will produce a conditioned gas suitable as fuel for on-site generation of electricity and heat, will help reduce boiler and sludge heater maintenance requirements, and will eliminate a safety hazard associated with corroded and leaking digester gas piping within the Digestion Complex at TMWRF. Funds are available in the TMWRF Capital Improvement Plan (CIP). There is no impact to the general fund.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve that Council grant the reimbursement to the City of Reno for Sparks' share of the construction management Agreement in the amount of \$141,841.34. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

6.7 Consideration and possible approval of reimbursement to the City of Reno for an Award of a Contract to KG Walters Construction Co., Inc. for construction of the Truckee Meadows Water Reclamation Facility (TMWRF) Digester Gas Conditioning System Project in an amount not to exceed \$4,441,500.00, with the City of Sparks' portion being \$1,084,617.75 (Time: 4:29 p.m.)

An agenda item from TMWRF Operations Manager Todd Saxberg recommending Council grant reimbursement to the City of Reno for Sparks' share of the construction contract in the amount of \$1,084,617.75 to provide construction of the TMWRF Digester Gas Conditioning System. This project will construct new digester gas collection piping, gas blowers, biological hydrogen sulfide removal tower, hydrogen sulfide removal media polishing vessels and media, gas moisture removal system, siloxane removal vessels and media, gas flare, gas meters, monitoring and control equipment, and modifications to limited portions of the gas distribution piping. Funds are available in the TMWRF Capital Improvement Plan (CIP). There is no impact to the general fund.

Council Member Ratti asked for clarification on the 5% local purchasing preference. Purchasing Manager Dan Marran said he could not speak to this bid specifically as it was processed by the City of Reno. Mr. Marran did confirm that NRS 338 requires public works projects over \$250,000, that don't have federal monies in them, to provide a local preference in awarding bids.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve that Council grant the reimbursement to the City of Reno for Sparks' share of the construction contract in the amount of \$1,084,617.75. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

6.8 Consideration and possible approval to purchase two fire pumpers from Fire Trucks West / Rosenbauer in the amount of \$1,081,448.00. (Time: 4:32 p.m.)

An agenda item from Fleet & Facilities Manager Ron Korman recommending Council approve the purchase of two fire pumpers from Fire Trucks West / Rosenbauer in the amount of \$1,081,448.00. These vehicles will replace two fire pumpers (386B and 384C) that are historically the two most expensive pumpers to maintain in the fleet and have been out of service repeatedly while waiting on parts or repairs. This is the first phase of a 15-year plan to update the entire fire fleet. Funding is from the 2014 Equipment CIP fund. There is no impact to the general fund.

Council Member Carrigan thanked the Sparks Fire Department for their advance planning which made it easy for the Council to consider this expenditure for FY2014.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to approve this purchase of two fire pumpers from Fire Trucks West / Rosenbauer in the amount of \$1,081,448.00. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

6.9 First Reading and possible discussion of Bill No. 2665, an ordinance amending Chapter 13 of the Sparks Municipal Code to increase sewer user rates 8.25% annually from July 1, 2014 through July 1, 2017; and providing for other matters properly related thereto. (Time: 4:35 p.m.)

The City Clerk read Bill No. 2665 by title. The public hearing and second reading of this bill will be conducted at the regular City Council meeting on Monday, January 27, 2014.

Public comment was received by Mr. Trey Abney with The Chamber, who thanked staff for the informational workshop and said The Chamber supports fully funding capital improvement projects at TMWRF and supports the proposed conservation methods.

6.10 Consideration and possible approval of elected official appointment to the Regional Planning Governing Board. (Time: 4:37 p.m.)

An agenda item from City Manager Shaun Carey recommending Council confirm the reappointment of Council Member Ron Smith as an alternate to the Regional Planning Governing Board through January 30, 2016. There is no impact to the general fund.

A motion was made by Council Member Schmitt, seconded by Council Member Lawson, to confirm the reappointment of Council Member Ron Smith as an alternate to the Regional Planning Governing Board through January 30, 2016. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

7. Public Hearing and Action Items Unrelated to Planning and Zoning – None

8. Planning and Zoning Public Hearings and Action Items

8.1 PCN12035 - Consideration of and possible action on an appeal of the Planning Commission's action to approve a Special Use Permit request to allow for an approximately 180,000 square-foot big box retail building on a site 17.69 acres in size in the NUD (New Urban District – Legends at Sparks Marina Planned Development) zoning district located at 1289 E. Lincoln Way (APN 037-030-53, 54, & 55), Sparks, NV. (Time: 2:14 p.m.)

An agenda item from Senior Planner Tim Thompson recommending Council move to affirm the Planning Commission's action approving the Special Use Permit associated with PCN12035, allowing for the construction of an 180,000± square-foot big box retail building, adopting Findings S1 through S6 and the facts supporting these Findings as set forth in the Planning Commission staff report, subject to the Conditions of Approval 1 through 37 as listed in the staff report. When the project was originally approved, a luxury motor coach dealer was anticipated to occupy the northwest portion of the development. Specific use standards were included in the handbook and all site plans showed the future dealership. Because a “big box” retailer was not contemplated at this location and generates additional traffic which involves further mitigation, the project is required to obtain a Special Use Permit per the planned development handbook. There is no impact to the general fund.

Senior Planner Tim Thompson provided history and background of the original permit issued for the property. The retail use is a permitted use; the purpose of the special use permit is directed toward traffic issues which may impact The Legends and surrounding property. Mr. Thompson said the traffic analysis, completed in October 2013, has been evaluated by the City of Sparks,

Nevada Department of Transportation and the Regional Transportation Commission. He addressed specific street improvements, pedestrian traffic and entry to the Wal-Mart store, loading docks, delivery hours, noise, building architecture, bike racks and lighting. Findings include compatibility with the city's master plan; compatibility with existing and surrounding properties; impairment of natural resources and need for affordable housing; identifying and mitigating any potential impacts, in particular traffic, engineering, planning and fire. Based on these findings, staff recommended the planning commission approve this project.

Council Member Smith said he would abstain from voting on this item because Wal-Mart is a direct competitor of his employer and Nevada Ethics and Government Law precludes him from casting a vote on this matter. Council Member Smith said he does not believe Scolari's would retaliate against him for casting a vote in support of the special use permit nor does he believe Wal-Mart would accuse him of bias in casting a vote in opposition to the special use permit. After consulting with the City Attorney, Council Member Smith said he believes the prudent course of action would be to abstain.

Council Member Lawson asked who performed the traffic study. Mr. Thompson said the developer chose the company, Hales Engineering. Staff met extensively with the engineer to ensure all items significant to the City's interest were addressed.

Council Member Ratti said she has received citizen interest regarding third party evidence for the findings. Mr. Thompson said no third party evidence is required; the city has standards and requirements that must be met and staff is charged to ensure that happens.

The appellant, Mr. Michael Rossow, explained his reasoning for bringing formal opposition to the Wal-Mart store at The Legends and the special use permit for same.

The Public Hearing was opened and comments were heard as follows:

Council Member Carrigan asked the applicant the estimated monthly gross receipts for the proposed Wal-Mart. Wal-Mart's Nevada Public Affairs Director Amelia McLearn said the amount of gross receipts earned is confidential information. Mr. Carrigan said he was trying to determine an estimate of the sales tax to be generated from the store. City Staff estimated \$120M in sales from the Wal-Mart on Pyramid Highway.

Those individuals supporting the special use permit: Aaron Korth, Robert Charlebois, Aaron Simms, Joe Gillespie, Gary Duhon, Amelia McLearn, Stephen Mollath, Dr. Paul Davis, Nick Barainca, Thomas Frontino, Lea Tauchen, Tray Abney, Carol Miller, David Dahl, Don Young, and Kurtis Montgomery

Those individuals opposing issuance of the special use permit: William Cannon, Barbara Welling, Lee Berns, Lorraine Ellingwood, Helene Renteria, Barbara Stone, William Underwood, Debra Drum, Sharon Taylor, Natalie Sherrick, and Bob Boston.

Discussion:

- Council Member Carrigan referred to Mr. Duhon's statement that the proposed store is a relocation of an existing Wal-Mart and that in 2006 this project was approved and was to be 50% tourist trade. Mr. Duhon responded that the recession affected the tourist estimate.

- Council Member Schmitt said a big-box retailer was approved; Council did not necessarily approve a Wal-Mart store. Mr. Schmitt asked for clarification from staff that the initially contemplated Wal-Mart store did not make the final approval from Council.
- Council Member Carrigan asked if sales tax from the Wal-Mart would pay off the Star Bonds. Staff confirmed they would.
- Council Member Schmitt asked The Chamber's Tray Abney if he agreed that a job of an elected government body is tax management, to which Mr. Abney responded yes. Mr. Abney said it is not Council's job to control revenue. Mr. Schmitt said revenue forecasting, revenue expenditures, forecasting and tax shifts should be the issues the council addresses today. Mr. Schmitt asked if the city council should analyze a potential tax shift and if anyone had data regarding general funds that may get diverted to Star Bonds – a potential tax shift and cost to the general fund. Mr. Schmitt said there was no financial report given for this \$100M project.
- Council Member Ratti said she received three citizen letters from people opposing the Wal-Mart project. City Manager Shaun Carey said there was no specific need to read each letter into the record, but rather the intent of the letters will suffice.
- In answer to a question from Council Member Schmitt, City Planner Tim Thompson said Wal-Mart was considered as an original tenant, although the handbook does not necessarily reflect any specific businesses or stores. Council Member Schmitt disputed that, stating that JC Penney and others were specifically mentioned; Wal-Mart was not mentioned because they could not produce a preponderance of the evidence regarding Star Bonds that 51% of Wal-Mart sales would be derived from tourism/outside the community participation. City Manager Shaun Carey confirmed that two Star Bonds ... Senior Debt and Subordinate/Private Debt ... were issued and are held by Red Development.
- Council Member Schmitt said about \$7M of Star Bond tax generation, roughly 75% / \$5.5M, will be used for debt payment. He asked if since the city already makes enough on the senior debt, is the council to assume all additional monies generated in the Star Bond district by Wal-Mart would be used to pay off the developer? City Manager Shaun Carey said that is a possibility. Mr. Schmitt asked if every dollar from sales taxes goes to Red Development until their debt is satisfied? Mr. Carey said it would not, because 75% of the sales tax within the development site is used for Star Bonds; 25% is sent to the state to use for distribution by formula, of which the city of Sparks would get about 13% for the general fund.
- Regarding the comment about noise, Council Member Lawson said the police will not respond because the city of Sparks does not have a noise ordinance; complaints would be handled by Sparks Community Development.
- Council Member Carrigan said he was the lone “no vote” in 2006 because of the financial package. He said that at the time it was supposed to be a tourist / entertainment destination and Sparks got nothing as promised. Mr. Carrigan said Wal-Mart is going in to pay the bills. He said he has no problem with Wal-Mart. One hundred percent of the sales tax generated from the Pyramid Wal-Mart is turned over to the state of Nevada and that under the current proposal, only 25% of the sales tax will go to the state. Mr. Carrigan said Wal-Mart never gave the city what was promised and he has a bad feeling about that, but Wal-Mart is putting everything in here to pay the bills. He said that because of this, he has a hard time opposing the special use permit. He concluded that with a special use permit, six findings must be made and the findings here support the project.
- Council Member Lawson said the Star Bonds law was poorly written; we didn't get to write it, but we must live by it, regardless of whether or not 51% of the customer base is

represented by tourism. He said Wal-Mart is not his first choice, but they have been good neighbors and citizens. Mr. Lawson said at this point, the city of Sparks is trying to salvage some tax dollars. He said that as council member, he is charged to look at this issue from a legal point of view. He said that the city eventually needs to pay Star Bonds and Wal-Mart is just as good a candidate as anyone else.

A motion was made by Council Member Lawson, seconded by Council Member Ratti, to affirm the Planning Commission's action approving the Special Use Permit associated with PCN12035 allowing for the construction of an 180,000± square-foot big box retail building, adopting Findings S1 through S6 and the facts supporting these Findings as set forth in the Planning Commission staff report, subject to the Conditions of Approval 1 through 37 as listed in the staff report.

Discussion:

- Council Member Ratti said she agrees with the testimony opposing the Wal-Mart; she is a fan of the Buy Local movement. She said the big box stores hurt small business and she, personally, does not shop at Wal-Mart. Ms. Ratti said her challenge is that none of those things are relevant. She concluded that there is nothing in the law that allows her to vote against this special use permit.
- Council Member Carrigan said he agrees with Council Member Ratti in that he can find no legal reason to deny the special use permit because this is a land use issue. He said he is not happy with the way Red Development handled the development of the Legends project.
- Mayor Geno Martini said that even though he does not vote, he agrees this is strictly a land use issue and that Sparks has to follow the law. He questioned if Wal-Mart is the best thing for this area and said it remains to be seen.
- Council Member Schmitt asked if Sparks is bound by the Star Bonds for land use planning and if one supersedes the other. City Attorney Chet Adams said the land use laws will prevail in this instance because this is a land use issue – not a taxation issue. Council member Schmitt said he would support the land use issue for the law, and will under council comments request that the City immediately hire professionals to investigate what was promised and not delivered by Red Development, the intent of the money that was spent on the development; and where that money is today.
- Council Member Ratti recognized the work of the Sparks Planning Commission and the efforts of Mr. Russow, who filed the appeal. She said she wishes she could support the petition, but cannot because the planning commission did not err. She thanked those who came forward in opposition to the special use permit.
- City Manager Shaun Carey read for the record a synopsis of the letters received by Council Member Julia Ratti on this project, which included:
 - Michael Russow, 1/9/14 original appellant in this matter
 - Supporting traffic and land use, without an opinion, but rather a summary of land use studies
 - A letter to the Sparks City Council, dated 1/13/14 from Lisa Guzman, in opposition to the project, based on Wal-Mart's issues
 - A letter dated 1/9/14 from Kent Johnson, forwarded by Michael Russow, without apparent intent
 - A letter dated 1/9/14 from Michael Russow in opposition
 - A letter from Jeff McMahan in support of the issue.

Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSTAIN.
Motion carried 4-0.

Recess: 4:09 pm

9. Closed Door Sessions - None

10. Comments

10.1 Comments from the Public (Time: 4:38 p.m.) - None

10.2 Comments from City Council and City Manager (Time: 4:38 p.m.)

Council Member Ron Smith asked if the Parks and Recreation department had plans to put a wrap on the new van, as was done on the new buses. Parks and Recreation Director Tracy Domingues agreed it would be a great idea and said it will depend on available funding.

Council Member Ron Schmitt requested an agenda item to discuss the Disposition Development Agreement (DDA) with RED Development and current Land Use Planning.

Mayor Martini requested staff bring forward an agenda item so the City Council can direct staff to bring forward amendments to Title 20 as necessary to comply with Assembly Bill 87, which requires consistency among local governments' zoning ordinances with respect to development standards for public schools in Washoe County.

Mayor Martini also requested the City Manager bring forward an agenda item to provide the City Council the opportunity to direct staff to prepare amendments to the municipal code to permit the citing and licensing of medical marijuana establishments in Sparks, in conformance with SB374.

Council Member Ratti requested staff bring forward an agenda item to allow Council to consider banning puppy mills in the City of Sparks.

Council Member Lawson announced the upcoming retirement of the Sparks City Manager on April 4, 2014. He congratulated Mr. Carey and thanked him for his service.

11. Adjournment (Time 4:42 p.m.)

Council was adjourned at 4:42 p.m.

GENO R. MARTINI, Mayor

ATTEST:

Teresa Gardner, City Clerk

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