



MAYOR
Geno Martini

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

CITY ATTORNEY
Chet Adams

REGULAR CITY COUNCIL MEETING MINUTES

2:00 P.M., Monday, June 22, 2015

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 Julia Ratti (phone), Ed Lawson, Ron Smith, Charlene Bybee, City Manager Steve Driscoll, City Attorney Chet Adams and City Clerk Teresa Gardner, PRESENT.

ABSENT: Council Member Ron Schmitt

3. Opening Ceremonies

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

The invocation was provided by Pastor Pete Vossler, Crosswinds Assembly of God Church.

3.2 Pledge of Allegiance (Time: 2:02 p.m.)

The Pledge of Allegiance was led by Council Member Charlene Bybee.

4. Public Comment (Time: 2:02 p.m.) - None

5. Approval of the Agenda (Time: 2:04 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 Smith, to move item 9.7 after item 12.1 and approve the agenda as amended. Council Members Ratti, Lawson, Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

6. Approval of the Minutes (Time: 2:04 p.m.)

6.1 Consideration and possible approval of the minutes of the regular Sparks City Council Meeting for June 8, 2015. (FOR POSSIBLE ACTION)

A motion was made by Council Member Lawson, seconded by Council Member Smith, to approve the minutes of the regular Sparks City Council meeting for June 8, 2015. Council Members Ratti, Lawson, Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

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

7.1 Proclamation: "Parks and Recreation Month" (Time: 2:04 p.m.)

Mayor Martini proclaimed July 2015 as "Parks and Recreation Month" and said parks and recreation programs are an integral part of communities. The proclamation was presented to City of Sparks' Parks and Recreation Director Tracy Domingues.

8. Consent Items (FOR POSSIBLE ACTION) (Time: 2:09 p.m.)

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

8.1 Report of Claims and Bills approved for payment and appropriation transfers for the period May 21, 2015 through June 3, 2015. (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 to purchase stop loss insurance with Companion Life Insurance Company for the City's self-funded group medical benefits program for 2015/16 and authorization for the Contracts and Risk Manager to execute agreements for the policy. (FOR POSSIBLE ACTION)

An agenda item from City Manager Stephen Driscoll, presented by Sr. HR Analyst Jen McCall, recommending the purchase of medical stop loss insurance from Companion Life Insurance Company to protect the city's self-funded group medical plan from catastrophic losses. The city self-funds its group medical benefits program. In order to protect the program from individual catastrophic medical claims exceeding \$225,000, the program purchases stop loss insurance which provides significant financial protection to the plan. Funds of \$340,982 will be available in the Group Health Fund in FY15-16. There is no impact to the general fund.

8.3 Consideration and possible approval to purchase a group life and accidental death and dismemberment insurance policy with Symetra Life Insurance Company for 2015/16 and authorization for the Contracts and Risk Manager to execute agreements for the policy. (FOR POSSIBLE ACTION)

An agenda item from City Manager Stephen Driscoll, presented by Sr. HR Analyst Jen McCall, recommending the purchase of the insurance policy with Symetra. The city provides life insurance in the amount of \$25,000 to all active employees covered under the city's medical plan; \$2,500 for dependents of active employees; and, \$10,000 for each City of Sparks' retiree.

Funds of \$57,411 will be available in the Group Health Fund in FY15-16. There is no impact to the general fund.

8.4 Consideration and possible approval to purchase an excess insurance policy for workers' compensation to protect the financial interests of the city for the next policy periods and authorization for the Contracts and Risk Manager to execute agreements for the policy. (FOR POSSIBLE ACTION)

An agenda item from City Manager Stephen Driscoll, presented by Administrative Services Director Chris Syverson, recommending approval to purchase the excess insurance policy for \$85,634. While the primary layer of risk exposure in the workers compensation program is self-insured, the city purchases an excess insurance policy for two reasons. First, it is a requirement under Nevada law to carry excess coverage in order to have a self-funded workers' compensation program. Second, the policy protects financial interests of the city against unpredictable, catastrophic losses. There is no impact to the general fund.

8.5 Consideration and possible approval to purchase seven vehicles from Carson Dodge in the amount of \$193,186.75 during the 2016 fiscal year. (FOR POSSIBLE ACTION)

An agenda item from Deputy City Manager of Community Relations Neil Krutz, presented by Public Works Manager Ron Korman recommending Council approve the purchase of these vehicles. Three vehicles for Building and Public Works Inspectors in the amount of \$75,222.75; three vehicles for the Police Department in the amount of \$84,462.75; and one vehicle for Drains O&M in the amount of \$33,501.25. There is no impact to the general fund.

8.6 Consideration and possible approval of an application for a Gaming license for Sartini Gaming, LLC dba Golden Route Operations dba Lisa Mae's G Street Saloon, located at 2285 G Street, Sparks, NV, submitted by Mr. Matthew W. Flandermeyer. (FOR POSSIBLE ACTION)

An agenda item from Chief of Police Brian Allen recommending Council approve Mr. Flandermeyer's application 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/CJIS that do not reflect any disqualifying arrests/convictions. There will be ten multi-denomination coin operated machines/slots with a projected revenue of \$300 quarterly. There is no impact to the general fund.

8.7 Consideration and possible approval of the contract for the 19th Street Sewer Project to Gerhardt & Berry Construction in the amount of \$79,743.75. (FOR POSSIBLE ACTION)

An agenda item from Assistant Community Services Director/City Engineer John Martini, presented by Utility Manager Andrew Hummel recommending Council approve the 19th Street Sewer Project. During the course of routine sanitary sewer pipeline assessment, Sparks' maintenance crews discovered several failures in an eight inch (8") sanitary sewer line in the 19th Street and "K" Street area within the roadway and will need to be removed and replaced. Funds of \$592,500 are available in the sewer fund. There is no impact to the general fund.

8.8 Consideration and possible approval of an Outdoor Dining and Encroachment Permit to Mummer's, LLC located at 906 Victorian Avenue. (FOR POSSIBLE ACTION)

An agenda item from Justin Mumm, owner of Mummer's LLC, presented by Assistant Community Services Director/City Engineer John Martini recommending Council approve the Outdoor Dining and Encroachment Permit over approximately 300 square feet of public right-of-way directly in front of the eastern 20 feet of 906 Victorian. There is no impact to the general fund.

8.9 Consideration and possible approval of an Outdoor Dining and Encroachment Permit to Paddy and Irene's located at 906 Victorian Avenue. (FOR POSSIBLE ACTION)

An agenda item from Patrice Luciano, owner of Paddy and Irene's, presented by Assistant Community Services Director/City Engineer John Martini recommending Council approve the Outdoor Dining and Encroachment Permit over approximately 450 square feet of public right-of-way directly in front of the eastern 30 feet of 906 Victorian Avenue. There is no impact to the general fund.

9. General Business

9.1 Consideration and possible approval of the Mayor's recommendation of appointment to the Civil Service Commission from the following pool of applicants, listed in alphabetical order: Steve Burlie, Shaun Carey, Louis Dauria. (FOR POSSIBLE ACTION) (Time: 2:10 p.m.)

An agenda item from City Manager Stephen Driscoll recommending Council confirm the re-appointments of Steven Burlie and Louis Dauria to the Civil Service Commission as recommended by Mayor Martini. The term of both of these appointments will expire on June 30, 2018. Each appointment is for a three year term. There is no impact to the general fund.

A motion was made by Council Member Bybee, seconded by Council Member Smith, to confirm the re-appointments of Steven Burlie and Louis Dauria to the Civil Service Commission as recommended by Mayor Martini. Council Members Ratti, Lawson, Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

9.2 Consideration and possible approval of the Mayor's recommendation of appointment to the Parks and Recreation Commission from the following pool of applicants, listed in alphabetical order: Shaun Carey, James Danen, David Espinosa, Angela Fuss, Michael Holmes, Raymond Joakimson, Zane Korth, Cody Loder, Colleen Marran, Mark Oleson, Marisela Pallares, Andrea Tavener and Kayla Wilson. (FOR POSSIBLE ACTION) (Time: 2:11 p.m.)

An agenda item from City Manager Stephen Driscoll recommending Council confirm the Mayor's appointments to the Parks and Recreation Commission. The City of Sparks has two appointments to the Parks and Recreation Commission, the term for both of these appointments will expire on June 30, 2018. Each appointment is for a three year term. There is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Bybee, to confirm the appointments of Angela Fuss and Andrea Tavener to the Parks and Recreation Commission as recommended by Mayor Martini. Council Members Ratti, Lawson, Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

9.3 Consideration and possible approval of the Mayor's recommendation of appointment to the Sparks Planning Commission from the following pool of applicants, listed in alphabetical order: Scott Carey, Shaun Carey, John Novak, Frank Petersen, and Andrea Tavener. (FOR POSSIBLE ACTION)
(Time: 2:12 p.m.)

An agenda item from City Manager Stephen Driscoll recommending Council confirm the Mayor's appointment to the Sparks Planning Commission. The City of Sparks Planning Commission has one vacancy due to the resignation of Commissioner Barbara Sanders. This term will expire December 31, 2017. There is no impact to the general fund.

A motion was made by Council Member Bybee, seconded by Council Member Smith, to confirm the appointment of Frank Petersen to the Sparks Planning Commission. Council Members Ratti, Lawson, Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

9.4 Consideration and possible adoption of Resolution No. 3283 to augment the FY15 budget of the Rec & Parks District 3 and Impact Fee Service Area 1 Funds. (FOR POSSIBLE ACTION) (Time: 2:13 p.m.)

An agenda item from Budget Administrator Stacie Hemmerling recommending Council adopt Resolution No. 3283 to augment the FY15 Rec & Parks District 3 Fund budget to cover a refund of Residential Construction Tax paid to Sparks Development for \$146,037. Resolution No. 3283 also augments the FY15 Impact Fee Service Area 1 Fund budget to cover expenses related to reimbursements for Fire Station #5 for \$60,000. The procedures and requirements for budget augmentations are outlined in NRS 354.598005 and NAC 354.410. This augmentation request meets those requirements.

A motion was made by Council Member Bybee, seconded by Council Member Smith, to adopt Resolution No. 3283 to augment the FY15 budgets of the Rec & Parks District 3 and Impact Fee Service Area 1 Funds. Council Members Ratti, Lawson, Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

9.5 Consideration and possible approval of an Agreement between WestCare Nevada Inc., and the City of Sparks relating to the provision of funds for the Community Triage Center. (FOR POSSIBLE ACTION) (Time: 2:15 p.m.)

An agenda item from Housing Specialist George Graham recommending Council approve the funding agreement to supplement operation of the Community Triage Center. The agreement provides funding for WestCare Nevada Inc. to operate the Community Triage Center (CTC) located on the campus for the homeless in downtown Reno (i.e., the Community Assistance

Center). Budgeted funds of \$87,000 will be needed from the city's general fund during FY 2015/16.

A motion was made by Council Member Smith, seconded by Council Member Bybee, to approve the funding agreement between the City of Sparks and WestCare Nevada Inc., for operation of the Community Triage Center (CTC). Council Members Ratti, Lawson, Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

9.6 Consideration and possible approval of an Interlocal Cooperative Agreement between the City of Reno, Washoe County and the City of Sparks for operation of the Community Assistance Center (CAC). (FOR POSSIBLE ACTION) (Time: 2:19 p.m.)

An agenda item from Housing Specialist George Graham recommending approval of the Interlocal Cooperative Agreement for the period from July 1, 2015 to June 30, 2016 (FY 2015/16). Additionally, the agreement specifies the funding that each of the local governments will provide for CAC operations during FY2015/16 contingent on HUD's approval of the Five Year Consolidated Plan FY2015/2019 and Annual Action Plan FY2015/16. Funds of \$111,840 are budgeted for this program with \$99,143 from the city's FY 2015/16 CDBG allocation and \$12,697 from the general fund.

A motion was made by Council Member Lawson, seconded by Council Member Smith, to approve the Cooperative Agreement and authorize the Mayor to sign the agreement. Council Members Ratti, Lawson, Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

9.7 Consideration and Possible Approval of a Settlement. (FOR POSSIBLE ACTION) (Time: 2:55 p.m.) - This item was moved to follow item 12.1.

An agenda item from Assistant City Attorney Doug Thornley recommending the City Council provide a final resolution of an ongoing litigation and authorize the payment of a settlement in the amount of \$70,000 to Mr. John Moore, Esq. and his clients.

In September 2009 a contingent of SPD officers was involved in a traffic incident following tactical training outside of Fernley, Nevada. The city was subsequently sued regarding this incident. The U.S. District Court granted the city's motion for summary judgment, but the 9th Circuit Court of Appeals reviewed the case and sent it back to the District Court for discovery and a possible trial. The city is now faced with retaining multiple expert witnesses as part of the process and costs to continue will exceed the settlement amount. An expenditure of \$70,000 will be necessary if Council approves the settlement.

A motion was made by Council Member Lawson, seconded by Council Member Smith, to approve the settlement of the litigation brought by Mr. John Moore, Esq. on behalf of his clients, for a total amount of \$70,000. Council Members Ratti, Lawson, Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

9.8 Consideration, discussion and possible approval of a bargaining agreement between the City of Sparks and the Sparks Fire Chief Officers Unit. (FOR POSSIBLE ACTION) (Time: 2:21 p.m.)

An agenda item from City Manager Stephen Driscoll presented by Administrative Services Director Chris Syverson recommending approval of the bargaining agreement with Sparks Fire Chief Officers Unit. Tentative agreement has been reached on contract changes for the July 1, 2015 to June 30, 2017 contract period. Ms. Syverson noted the substantial changes to be cost of living increases of 1.5% in January 2016, July 2016 and January 2017; increased longevity pay to \$5,000; increased education reimbursement; and ability to cash out annual leave. If it is determined that any provisions of the recently signed SB241 affect this contract, the parties will re-open those sections and work towards resolution to comply with the interpretation of the new law.

A motion was made by Council Member Smith, seconded by Council Member Bybee, to approve the bargaining agreement between the City of Sparks and the Sparks Fire Chief Officers unit for the contract period of July 1, 2015 through June 30, 2017. Council Members Ratti, Lawson, Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

9.9 Consideration, discussion and possible approval of a bargaining agreement between the City of Sparks and the IAFF Local 1265. (FOR POSSIBLE ACTION) (Time: 2:26 p.m.)

An agenda item from City Manager Stephen Driscoll presented by Administrative Services Director Chris Syverson recommending approval of the bargaining agreement with IAFF, Local 1265, for the contract period of July 1, 2015 through June 30, 2017. Ms. Syverson noted the substantial changes to be two cost of living increases of 1%, in July 2015 and July 2016; changes to longevity pay; educational incentive; deferred compensation match; and ability to cash out annual leave. If it is determined that any provisions of the recently signed SB241 affect this contract, the parties will re-open those sections and work towards resolution to comply with the interpretation of the new law.

A motion was made by Council Member Bybee, seconded by Council Member Lawson, to approve the bargaining agreement between the City of Sparks and the IAFF Local 1265 for the contract period of July 1, 2015 through June 30, 2017. Council Members Ratti, Lawson, Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

9.10 Pursuant to NRS 241.033 and City Manager's Employment Agreement a review by City Council of City Manager Stephen Driscoll's performance as City Manager, including character and professional competence as it relates to his performance as City Manager, and to discuss and possibly approve an extension of his Employment Agreement through 7/31/2016 and consideration and possible approval of a salary adjustment. (FOR POSSIBLE ACTION) (Time: 2:28 p.m.)

An agenda item from Administrative Services Director Chris Syverson presented by Human Resources Manager Mindy Falk, recommending approval of an extension of the City Manager

Employment Agreement through July 31, 2016 with a salary adjustment as mutually agreed to between Council and the City Manager.

The Employment Agreement for Stephen Driscoll, City Manager, allows for City Council to review his performance on an annual basis. The Mayor and Council Members were asked to provide performance feedback on Mr. Driscoll's performance as City Manager. A review of the performance results presented to Council for their consideration with a request for extension of Mr. Driscoll's employment agreement and possible salary adjustment. Ms. Falk distributed an updated salary survey to reflect changes made to the City of Reno Manager's contract since the survey was distributed. City Manager Driscoll said he appreciated the Council's discussion to extend his contract and a 2% salary increase; however, he would like to decline any increase to his salary at this time.

A motion was made by Council Member Bybee, seconded by Council Member Smith, to renew the City Manager employment agreement for one year. Council Members Ratti, Lawson, Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

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

10.1 Public hearing, consideration of and possible adoption of Resolution 3284, making certain findings and providing consent for the Redevelopment Agency of the City of Sparks to exchange real property located in Victorian Square, including all or portions of parcels identified as Washoe County Assessor's Parcel Numbers 032-135-14 and 032-136-11, under a proposed Victorian Square Property Exchange Agreement with Wolfhound Holdings, LLC. This agenda item also provides for consideration and possible approval of the Victorian Property Exchange Agreement by the City of Sparks. (FOR POSSIBLE ACTION) (Time: 2:38 p.m.)

An agenda item from City Planner Armando Ornelas recommending Council adopt the Resolution No. 3284 and approve the Victorian Square Property Exchange Agreement.

Resolution No. 3284 makes certain findings and approves the exchange of real property by the Redevelopment Agency with Wolfhound Holdings, LLC, as set forth in the proposed Victorian Square Property Exchange Agreement. Assistant Community Services Director/City Engineer John Martini will submit the parcel map for approval at the July 27, 2015 Council meeting. Mr. Ornelas presented maps to show the land transfer. There is no direct financial impact to the city.

The public hearing was opened at 2:50 p.m.

Dan Reaser of Fennemore Craig law firm, representing Wolfhound Holdings, LLC, said he endorsed this transaction.

The public hearing was closed at 2:53 p.m.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to approve Resolution 3284 based on the information in the staff report and information brought forward during the oral presentation and public hearing. Council Members Ratti, Lawson,

Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

A motion was made by Council Member Smith, seconded by Council Member Bybee, to approve the Victorian Square Property Exchange Agreement for execution by the city. Council Members Ratti, Lawson, Smith, Bybee, YES. Council Member Schmitt, ABSENT. Passed unanimously with those present.

11. Planning and Zoning Public Hearings and Action Items -None

12. Closed Door Sessions

12.1 Possible Motion to Adjourn to a Closed Door Session to receive information from the City Attorney regarding litigation involving a matter in which the Sparks City Council has supervision and control to settle. (NRS 241.015(B)(2)) (FOR POSSIBLE ACTION) (Time: 2:55 p.m.)

Closed Door Session not required. Agenda item 9.7 was heard.

13. Comments

13.1 Comments from the Public (Time: 2:59 p.m.) – None

13.2 Comments from City Council and City Manager (Time: 2:59 p.m.) - None

14. Adjournment

Council was adjourned at 2:59 p.m.

GENO R. MARTINI, Mayor

ATTEST:

Teresa Gardner, City Clerk