



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

CITY MANAGER
Steve Driscoll

REGULAR CITY COUNCIL MEETING MINUTES
2:00 P.M., Monday, March 14, 2016
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

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

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

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

Mayor Geno Martini (2:17 p.m.), Council Members Julia Ratti (2:03), Ed Lawson, Ron Smith, Charlene Bybee, Ron Schmitt (phone), 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 of the Sparks Nazarene Church.

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

The Pledge of Allegiance was led by Council Member Bybee.

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

Pat Kleames spoke in support of Bill No. 2703 regarding camping at the river.

Don Dixon spoke regarding the electric grid.

Adena Perry spoke in support of increased tax and Bill No. 2703 regarding camping at the river.

Ms. Perry also said Washoe County passed an animal control interlocal agreement and provided a copy of a newspaper article for the record.

5. Agenda (Time: 2:12 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 Lawson, seconded by Council Member Bybee, to move agenda item 9.1 to after agenda item 9.6 and approve the agenda as amended. Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

6. Minutes (Time: 2:13 p.m.)

6.1 Consideration and possible approval of the minutes of the regular Sparks City Council meeting of February 22, 2016. (FOR POSSIBLE ACTION)

A motion was made by Council Member Lawson, seconded by Council Member Ratti, to approve the minutes of the regular Sparks City Council meeting on of February 22, 2016. Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

7. Announcements, Presentations, Recognition Items and Items of Special Interest (Time: 2:14 p.m.)

7.1 Presentation: Sparks Heritage Museum's Annual Report (Time: 2:14 p.m.)

Museum Board of Trustees President Dr. Richard Simmonds presented the 2015 annual report of the Sparks Museum and Cultural Center. Dr. Simmonds said Museum Board Member Dick Dreiling discussed the Nevada license plates to benefit the museum that should be ready for distribution in 4-6 months.

7.2 One Truckee River (Time: 2:30 p.m.)

Keep Truckee Meadows Beautiful, Nevada Land Trust and National Park Service Environmental Steward Alex Hoeft and KTMB Executive Director Christie Cakiroglu presented information on the One Truckee River initiative “working together for a sustainable, clean, thriving river community recognized in the hearts and minds of all for the treasure it truly is” and invited all to visit www.onetruckeeriver.org for additional information.

8. Consent Items (FOR POSSIBLE ACTION) (Time: 2:37 p.m.)

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

8.1 Report of Claims and Bills approved for payment and appropriation transfers for the period February 4, 2016 through February 24, 2016. (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 adoption of Resolution No. 3290 to augment the FY16 budget in various funds to provide appropriations for capital projects approved, but not completed in FY15. (FOR POSSIBLE ACTION)

An agenda item from Budget Administrator Stacie Hemmerling recommending Council adopt Resolution No. 3290. Certain capital projects were approved on the FY15 and FY14 Capital Improvement Plan (CIP), but were not completed in FY15, and the budget authority lapsed. The FY16 budget will be augmented to re-appropriate those funds. The procedures and requirements for budget augmentations are outlined in NRS 354.598005 and NAC 354.410. The augmentation request meets those requirements. There is no impact to the general fund.

8.3 Consideration and possible approval of a request to refund Residential Construction Tax to Corona Miramonte, LLC in the amount of \$213,000. (FOR POSSIBLE ACTION)

An agenda item from Assistant Community Services Director John Martini on behalf of Corona Miramonte, LLC recommending approval of the refund. On June 12, 2006 the Sparks City Council approved a Residential Construction Tax Credit Agreement (A-3380) with Centex Homes for the construction of neighborhood parks within the Miramonte Development. The terms of the agreement included the construction and dedication of two neighborhood parks within the Miramonte Development and provided Centex Homes with Residential Construction Tax Credits. Centex Homes constructed and dedicated a park and was awarded Residential Construction Tax Credits in the amount of \$590,000. In 2008, Centex Homes sold the Miramonte Development to Corona Miramonte, LLC (Corona) and assigned the Residential Tax Credit agreement to Corona. During the course of development, Corona failed to use a portion of the awarded Residential Construction Tax Credits and paid the tax with cash.

Staff has performed an audit of all residential building permits within the Miramonte Development and has verified that Corona paid for a portion of the residential construction tax with cash in lieu of using awarded credits. The \$213,000 Refund will be paid from Residential Construction Tax collected in Park District 2 from cash received from construction of single family homes in the Miramonte Planned Development.

8.4 Consideration and possible approval of an agreement with the City of Reno and HDR Engineering for the design of the Truckee Meadows Water Reclamation Facility (TMWRF) RAS-WAS System 1 Pumping Improvement Project including reimbursement to the City of Reno in the amount of \$156,665.54. (FOR POSSIBLE ACTION)

An agenda item from TMWRF Manager Michael Drinkwater recommending Council approve the agreement to provide final design for pumping, piping, and control improvements in TMWRF's System 1 Return Activated Sludge (RAS) and Waste Activated Sludge (WAS) management system. Future phases of this project would include similar improvements to TMWRF's System 2 including development of construction plans, specifications and bid documents, opinion of probable construction costs, and bidding support services. There is no impact to the general fund; reimbursement will come from the TMWRF capital projects budget.

8.5 Consideration and possible approval of change order no. 1 to the Performance Contract for Energy Cost Savings, with Ameresco, Inc., at Truckee Meadows Water Reclamation Facility (AC-5022) for an amount not to exceed \$267,735.60 with City of Sparks's share in the amount of \$83,988.66. (FOR POSSIBLE ACTION)

An agenda item from TMWRF Manager Michael Drinkwater recommending approval of Change Order No. 1. In the original construction contract approved by the Cities of Sparks and Reno, Ameresco was designated as the Cities' agent for purchasing of Materials and Equipment for the energy savings project. As the Cities' agent, and in accordance with established practice, Ameresco did not pay sales tax on the purchase of materials for the project. Subsequent to the execution of the agreement with Ameresco, the Nevada Attorney General issued an interpretation of Nevada law contrary to this practice, requiring sales tax be paid on all purchases regardless of the tax exempt status of the ultimate owner. Assembly Bill 332 in the 2015 Legislative Session,

signed into law on June 8, 2015, codified this opinion. As a result, the Cities of Reno and Sparks directed Ameresco to pay taxes starting on purchases on or after April 29, 2015. The resulting tax liability for the project is \$267,735.60. Since the Performance-Based Contract did not anticipate paying sales taxes, no allowance for the payment of the taxes was made in the original budget, requiring this contract amendment to cover these costs. There is no impact to the general fund; funds are available in the TMWRF capital projects budget.

8.6 Consideration and possible approval of the purchase of replacement parts for a Raw Sewage Pump at the Truckee Meadows Water Reclamation Facility (TMWRF) from Nevada Seal and Pump in an amount not to exceed \$148,517. (FOR POSSIBLE ACTION)

An agenda item from TMWRF Manager Michael Drinkwater recommending Council approve the purchase. The Truckee Meadows Water Reclamation Facility utilizes four raw sewage pumps to convey the incoming wastewater to the grit facility. These pumps were installed in 1992 and have performed beyond their useful life. Because of the critical nature of these pumps and the inability to remove more than one from service at any given time, TMWRF Staff has implemented a serial repair program to rehabilitate one pump per year. Raw Sewage Pump #4's volute and base were replaced in late 2014. This purchase will address the replacement of one of the remaining pumps' volute and base. There is no impact to the general fund; funds are available in the TMWRF operations budget.

8.7 Consideration and possible approval of a Professional Services Contract, to Summit Engineering, for Civil Engineering and Survey services for the Victorian Square Enhancement Project, in the amount of \$40,000. (FOR POSSIBLE ACTION)

An agenda item from Capital Projects Manager Brian Cason recommending Council approve the contract. Victorian Square is in need of repair and general maintenance of concrete, concrete pavers, tree planters, and other hardscape items. The design will identify needed improvements and establish a list of priorities within the square. Previously the City had a contract with Summit Engineering to perform this same design from Pyramid to 10th Street which was for \$20,000. The original contract along with this one will total \$60,000. There is no impact to the general fund; funds are available in the capital improvement plan budget.

8.8 Consideration and possible approval of a contract for the Fire Station #1 Digital Control System Project, to provide an Alerton Direct Digital HVAC Control System, to Building Control Services, Inc., in the amount of \$98,983. (FOR POSSIBLE ACTION)

An agenda item from Capital Projects Manager Brian Cason recommending Council approve the contract. The Fire Station #1 HVAC system is controlled by an outdated and inefficient system. The Alerton Direct Digital HVAC Control System, to be installed by Building Control Services, will improve the efficiency and extend the life of the existing HVAC components. The Alerton Control System will reduce maintenance time and resources required for operating the Fire Station #1 HVAC system. There is no impact to the general fund; funds are available in the capital improvement plan budget.

8.9 Consideration and possible acceptance of a Memorandum of Understanding (MOU) between The City of Sparks and the State Historic Preservation Office

(SHPO) for facilitation of Section 106 consultation in determining sites of historical significance and effects of rehabilitation activity upon potential historic sites. (FOR POSSIBLE ACTION)

An agenda item from Housing Specialist George Graham recommending Council accept the MOU. The City of Sparks has had a MOU agreement with the SHPO since 2012. The previous MOU with the SHPO expired in May, 2015 and this request is re-instituting an effective MOU with the SHPO. The MOU is intended to clarify and streamline the SHPO's review of potentially historic homes seeking to participate in the City's Community Development Block Grant (CDBG) funded housing rehabilitation programs. This is a Housing and Urban Development (HUD) required process of CDBG Grantees. There is no impact to the general fund.

8.10 Consideration and possible approval of an application for a Gaming license for Giant Investments, LLC, dba Victorian Saloon located at 910 Victorian Ave., Sparks, NV submitted by Mr. John Eastwick. (FOR POSSIBLE ACTION)

An agenda item from Police Chief Brian Allen recommending Council approve Mr. John Eastwick's application for a Gaming license 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 is a potential increase of \$180 quarterly to the general fund.

9. General Business

9.1 Consideration and appointment of one member of the City Council to represent the City of Sparks on the Board of Trustees of the Western Regional Water Commission (WRWC), from the following pool of applicants, in alphabetical order: Charlene Bybee, Edward Lawson, Geno Martini, Ron Schmitt, Ron Smith or Julia Ratti, for a two year term, ending March 31, 2018; and, recommendation for the joint appointment of one elected official to represent the owners of the Truckee Meadows Water Reclamation Facility on the Board of Trustees of the Western Regional Water Commission, from the following pool of applicants, in alphabetical order: David Bobzien, Jenny Brekhus, Charlene Bybee, Oscar Delgado, Naomi Duerr, Neoma Jardon, Edward Lawson, Geno Martini, Paul McKenzie, Hillary Schieve, Ron Schmitt, Ron Smith or Julia Ratti, for a two year term, ending March 31, 2018. (FOR POSSIBLE ACTION) (Time: 2:45 p.m.)

Heard after agenda item 9.6.

An agenda item from City Manager Stephen Driscoll, presented by Deputy City Manager of Community Development Neil Krutz who requested to discuss each appointment separately.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to reappoint Council Member Charlene Bybee as a Western Regional Water Commissioner from Sparks City Council to the WRWC (term to expire March 31, 2018). Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

Mr. Krutz said the position appointed jointly by the City of Reno and the City of Sparks to represent the Truckee Meadows Water Reclamation Facility (TMWRF) has been held by Mayor

Geno Martini since the creation of the Commission in 2007. The City of Reno voted last week to appoint Reno City Council Member Paul MacKenzie as the joint representative. Comments offered included the fact that TMWRF is 2/3 owned by City of Reno; Reno has never held the TMWRF seat; and the City of Reno needed stronger representation on WRWC.

Mr. Krutz said he has been advised by legal staff that if the cities of Sparks and Reno do not agree on a joint representative from TMWRF, Mayor Martini will continue to serve until his term ends March 31, 2016 and then the seat would remain vacant and the Western Regional Water Commission will move forward with 8 members.

Mayor Martini said he was concerned the City of Reno did not initiate conversation to express their desire for additional representation prior to their action. Mayor Martini said the City of Reno has expressed the desire to control property growth by controlling water. Although the City of Reno owns two thirds of TMWRF, the City of Sparks operates the facility. Mayor Martini also said the main purpose of the WRWC was as oversight to consolidation of Washoe County Water Resources and TMWA which has been accomplished. The limited action currently performed by WRWC should be absorbed by TMWA and the WRWC should be eliminated.

A motion was made by Council Member Smith, seconded by Council Member Bybee, to reappoint Sparks Mayor Geno Martini as the TMWRF Commissioner to the WRWC (term expires March 31, 2018). Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

9.2 Consideration and possible approval of an Interlocal Agreement (ILA) to provide environmental control inspection services in the Sun Valley General Improvement District. (FOR POSSIBLE ACTION) (Time: 2:38 p.m.)

An agenda item from TMWRF Manager Michael Drinkwater recommending Council approve the interlocal agreement. The City of Sparks provides sewer service to the Sun Valley General Improvement District (SVGID) and as required by Environmental Protection Agency (EPA) must establish jurisdiction of the industrial/commercial pretreatment program within SVGID and has had an agreement since 1987. The principle changes to the agreement include the addition of United States Environmental Protection Agency (USEPA) required language stating that Sparks is the designated agent of the District and has the authority to enter, inspect and enforce regulations. Additionally, the Environmental Control Section (ECS) Permit fees were updated to current levels and the re-inspection fee currently in use by Sparks was added to the agreement. The SVGID approved this agreement March 10, 2016. There is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Bybee, to approve the Interlocal Agreement with Sun Valley General Improvement District. Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

9.3 Consideration and possible approval of a purchase from Pacific Water Resources in the amount of \$243,226.00 for one Nitrification Influent and one Nitrification Effluent pump for the Truckee Meadows Water Reclamation Facility. (FOR POSSIBLE ACTION) (Time: 2:39 p.m.)

An agenda item from TMWRF Maintenance Manager Kim Laber recommending Council approve the contract. The nitrification influent and effluent pumps require periodic maintenance for impellor and bearing wear. In order to service these units and maintain redundancy for a critical

process, spare units need to be purchased. These pumps are proprietary and cannot be bid. There is no impact to the general fund; funds are available in the TMWRF capital projects budget.

A motion was made by Council Member Bybee, seconded by Council Member Smith, to approve the purchase from Pacific Water Resources in the amount of \$243,226 for one nitrification influent pump and one effluent pump. Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

9.4 Consideration and possible approval to purchase polymer from Solenis LLC at the rate of \$0.8426 per pound, with an expected annual expenditure of \$1,000,000, for the Truckee Meadows Water Reclamation Facility (TMWRF). (FOR POSSIBLE ACTION) (Time: 2:42 p.m.)

An agenda item from TMWRF Manager Michael Drinkwater recommending Council approve the purchase utilizing the joinder provision allowed under NRS 332.115 for a contract between Solenis and Los Angeles County, CA. TMWRF uses polymer to assist in the dewatering of biosolids and in facilitating flocculation of solids in the gravity thickeners. Current improvements to the dewatering system necessitate a change in product and vendor. The contractor, Ameresco, has tested eight polymers from three manufacturers in an effort to optimize the process. While none are currently meeting the design specification, the Solenis Praestol K275FLX product performed the best. There is no impact to the general fund; funds are available in the TMWRF operations budget.

A motion was made by Council Member Lawson, seconded by Council Member Smith, to approve the purchase of polymer from Solenis LLC. Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

9.5 FIRST READING of Bill No. 2703 amending Chapter 15 of the Sparks Municipal Code adopting the 2012 International Energy Conservation Code and the 2015 Northern Nevada Energy Code Amendments. (Time: 2:44 p.m.)

City Clerk Teresa Gardner read the bill by title. The second reading and public hearing will be held at the regular meeting on Monday, March 28, 2016.

9.6 FIRST READING, of Bill No. 2704 amending the Sparks Municipal Code to address Camping on Public Property in the Truckee River Corridor. (Time: 2:45 p.m.)

City Clerk Teresa Gardner read the bill by title. The second reading and public hearing will be held at the regular meeting on Monday, March 28, 2016.

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

10.1 None

11. Planning and Zoning Public Hearings and Action Items

11.1 None

12. Closed Door Sessions

12.1 None

13. Comments

13.1 Comments from the Public (Time: 2:58 p.m.) - None

13.2 Comments from City Council and City Manager (Time: 2:58 p.m.) - None

14. Adjournment

Council was adjourned at 2:58 p.m.

GENO R. MARTINI, Mayor

ATTEST:

Teresa Gardner, City Clerk

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