



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 MINUTES
2:00 P.M., Monday, August 11, 2014
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, Ed Lawson, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Steve Driscoll, City Attorney Chet Adams and City Clerk Teresa Gardner, PRESENT.

ABSENT: None

Staff Present: Jon Ericson, Dan Marran, John Martini, Jen McCall, Brian Allen, Tim Thompson, Adam Mayberry, Tracy Domingues, Neil Krutz, Tom Garrison, Michael Drinkwater, Jeff Cronk, Andy Hummel, Debi Kinder, Brian Cason, Armando Ornelas, Shauna Nelson, Karen Melby, Chris Syverson, Marlene Cleveland, Jim Rundle, Ross Soderstrom, Donna DiCarlo.

3. Opening Ceremonies

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

Mayor asked for a moment of silence for our troops and those that are in harm's way.

3.2 Pledge of Allegiance (Time: 2:01 p.m.)

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

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 Smith, seconded by Council Member Schmitt, to approve the agenda as submitted. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

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 July 14, 2014 and the special Sparks City Council Meeting of July 10, 2014

A motion was made by Council Member Lawson, seconded by Council Member Smith, to approve the minutes of the regular Sparks City Council meeting of July 14, 2014 and the special meeting of July 10, 2014 as submitted by staff. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

7. Announcements, Presentations, Recognition Items and Items of Special Interest (Time: 2:04 p.m.) - None

8. Consent Items (Time: 2:04 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, Carrigan, Schmitt, YES. Passed unanimously.

8.1 Report of Claims and Bills approved for payment and appropriation transfers for the period June 26, 2014 through July 23, 2014. (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.

8.2 Consideration, review and acceptance of the receipt of grant and/or donation money which is individually under \$5,000 (FOR POSSIBLE ACTION)

An agenda item from Accountant II Perla Tavera recommending Council approve the acceptance of grants and/or donations received that are individually under \$5,000. Formal policy established for grants and donations directs that Council approve the acceptance of grant awards less than \$5,000 via a staff report which details the receipt of such grants and donations.

8.3 Consideration and approval of a contract for the City's stop loss insurance with Companion Life Insurance Company for the City's self-funded group medical benefits program for 2014/15. (FOR POSSIBLE ACTION)

An agenda item from Senior Human Relations Analyst Jen McCall recommending Council approve the purchase of medical stop loss insurance for \$317,302 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. Funding is from the Group Insurance Self-Insurance Fund. There is no impact to the general fund.

8.4 Consideration and possible approval of the purchase of replacement parts for Raw Sewage Pump No. 4 at the Truckee Meadows Water Reclamation Facility from Nevada Seal and Pump in an amount not to exceed \$126,039.00. (FOR POSSIBLE ACTION)

An agenda item from TWMRF Plant Manager Michael Drinkwater recommending Council approve the purchase of replacement parts for a raw sewage pump at TMWRF from Nevada Seal and Pump. The raw sewage pumps convey the incoming wastewater from the headworks facility to the grit chamber, approximately 53 vertical feet. The current pumps were installed in 1992

and work in a very harsh environment. The raw sewage pumps are worn and in need of overhaul to extend their design life. Sufficient funding remains in the TMWRF operating supplies budget for this purchase. There is no impact to the general fund.

8.5 Consideration and possible award of a professional services contract to Charles Abbott Associates, INC for Building Permit Plan Review Services, in an amount not to exceed \$100,000. (FOR POSSIBLE ACTION)

An agenda item from Assistant Community Services Director John Martini recommending Council approve the professional services contract. The Building and Safety Division of the Community Services Department has experienced a steady increase in the number of applications for building permits. In an effort to provide timely building permit services to the development community, the use of outside plan checking services are needed to augment those provided by existing staff. The Building and Safety Division requested statements of qualifications (SOQ) from several firms that provide professional plan checking services and selected Charles Abbott Associates INC as a qualified professional services firm. Charles Abbott and Associates INC will provide plan review services on an as-needed basis. Funding is available in the Development Services Fund. There is no impact to the general fund.

9. General Business

9.1 Consideration and possible acceptance of a traffic safety grant in the amount \$36,595 to purchase electronic citation and crash collection equipment. (FOR POSSIBLE ACTION) (Time: 2:05 p.m.)

An agenda item from Police Chief Brian Allen recommending Council approve and accept the traffic safety grant in the amount \$36,595 for the purchase of electronic citation and crash collection equipment. For the past ten years the State of Nevada has been moving towards an electronic database of traffic citations and crash records. This database is called the Nevada Citation and Accident Tracking System (NCATS.) The data contained in NCATS is critical to traffic safety here in Nevada. The data is utilized by traffic engineers and others to help identify hazardous locations and make engineering changes to mitigate those identified hazards. The existence of such a database is a requirement of the Federal Government in order for the State of Nevada to receive certain types of traffic safety funding. This grant will purchase 25 handheld computers and mobile printers for police officers to use when issuing traffic citations and creating crash records. They will add to the current 15 units that SPD currently has. There is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve and accept the traffic safety grant in the amount \$36,595 for the purchase of electronic citation and crash collection equipment. Council Members Lawson, Smith, Carrigan, Schmitt, YES. Council Member Ratti not present for the vote. Passed unanimously with those present.

9.2 Consideration and possible approval of the 21st Century Community Learning Centers Grant through the Washoe County School District. (FOR POSSIBLE ACTION) (Time: 2:07 p.m.)

An agenda item from Recreation Supervisor Shauna Nelson recommending Council accept this agreement for the grant. The City of Sparks Parks and Recreation Department provides enrichment activities, program ideas and resources for planning programs specific to site needs. Programming occurs from school release until 6:00 p.m. on all school days. The grant reimburses the City for the part-time salaries dedicated to specified sites per the agreement

attached to the staff report. Funding is from the Sparks Grants & Donations Fund, there is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to accept and approve the 21st Century Community Learning Centers Grant as entered into with the Washoe County School District for the 2014/15 school year. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

9.3 Consideration and possible approval of an Interlocal Cooperative Agreement with the Regional Transportation Commission of Washoe County for the Prater Way and El Rancho Drive Pavement Resurfacing Project in the amount of \$51,750. (FOR POSSIBLE ACTION) (Time: 2:08 p.m.)

An agenda item from Utility Manager Andy Hummel recommending Council approve the Interlocal Cooperative Agreement with the Regional Transportation Commission of Washoe County for the Prater Way and El Rancho Drive Pavement Resurfacing Project in the amount of \$51,750. The City of Sparks is responsible for maintaining storm drain facilities under public ownership. The Regional Transportation Commission is preparing to rehabilitate Prater Way from Stanford Way to Howard Drive. As part of this project, there are several storm drain facilities that require replacement, which will be included as part of this project. Funding from the Storm Drains Cap Project Fund is part of the annual storm drain street improvement coordination. There is no impact to the general fund.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve the Interlocal Cooperative Agreement with the Regional Transportation Commission of Washoe County for the Prater Way and El Rancho Drive Pavement Resurfacing Project in the amount of \$51,750. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

9.4 Consideration and possible award of the 2015 Street Rehabilitation – Unit 1, Bid No. 14/15-003, PWP-WA-2014-258 to Sierra Nevada Construction, in the amount of \$637,007. (FOR POSSIBLE ACTION) (Time: 2:10 p.m.)

An agenda item from Transportation Manager Jon Ericson recommending Council award the 2015 Street Rehabilitation - Unit 1, Bid No. 14/15-003, PWP-WA-2014-258 to Sierra Nevada Construction, in the amount of \$637,007. This 2015 Street Rehabilitation Unit 1 project is part of the City's Transportation System - Pavement Management Program. The project was prioritized through the city's Pavement Management System and outlined in the 5-year Program of Projects. Funding is from the Storm Drains Capital Project Fund. There is no impact to the general fund.

If approved, the project will start around August 25th and will run through October. Notification of residents will begin upon approval of the contract.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to award the 2015 Street Rehabilitation - Unit 1, to Sierra Nevada Construction, in the amount of \$637,007. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

9.5 Consideration and possible direction to sponsor a master plan amendment, rezone, and code amendment for certain properties within the Transit Oriented Development (TOD) Corridor generally located northwest of the intersection of East Prater Way and I Street, Sparks, NV. (FOR POSSIBLE ACTION) (Time: 2:14 p.m.)

An agenda item from Senior Planner Tim Thompson recommending the City Council give direction regarding the possible removal of certain parcels from the TOD Corridor. On June 4, 2014, Tanamera Construction submitted a Site Plan Review application for the construction of a new Taco Bell fast food restaurant located at 200 East Prater Way. The existing Taco Bell restaurant would be razed and a new building constructed.

During staff's review of the proposed project, it was recognized the project site was located within the Transit Oriented Development (TOD) Corridor. Because the building would be demolished to make way for new construction, the TOD design guidelines would be applicable. The development would be subject to the floor area ratio (FAR) building siting, architectural and other requirements.

The proposed development plan did not meet many of these requirements. The proposed project would qualify as a *redevelopment* project because the existing structure would be razed and a new structure built.

Staff concluded there were four options and met with the applicant to discuss these alternatives, which included:

1. meet all requirements in the TOD design manual;
2. Do nothing;
3. Renovate rather than reconstruct the building; or
4. Amend the TOD Area Plan, rezone the property, and amend the maps in the design manuals.

Staff is seeking direction from the City Council about whether to sponsor the necessary amendments to remove the site from the TOD Corridor and incur any costs associated with the amendments. There may be a cost for the preparation of legal descriptions and boundary maps to support the rezone. This action would impact to the general fund.

Discussion by Council Member Lawson on whether we could remove Prater Way from the TOD altogether. Discussion followed by Council Member Schmitt on reworking the TOD so situations can be handled in an effective manner and remove the cost to taxpayers, or dismantle the TOD altogether.

City Planner Armando Ornelas came forward stating that changes to the TOD would not address the needs of the issue at hand, and in order to dismantle the TOD, the Regional Plan would require amendment.

Mayor Martini suggested that rather than move for the TOD to be dismantled, Council should ask the City Manager to bring the item to the council at a future meeting as an agenda item. Council Member Lawson recommended the TOD be re-evaluated in future discussion.

Council Member Schmitt asked for explanation of the City's policy for taxpayer funding of projects like this. Mr. Ornelas said there is no specific policy; each request is taken on a case-by-case method.

A motion was made by Council Member Smith, seconded by Council Member Ratti, to direct staff to initiate the necessary amendments and rezoning to remove the subject parcel from the TOD Corridor. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, NO. Motion carried 4 -1.

9.6 Consideration and possible approval to utilize \$586,464.64 of approved FY15 CIP budget in 15-1000 City Hall HVAC Upgrades to fund change Order No. 1 for the Alf Sorensen Natatorium Renovation Project and consideration and possible approval of Change Order No. 1 for the Alf Sorensen Natatorium Renovation Project, Bid No. 13/14-015, PWP-WA-2014-098 to Frank Lepori Construction, Inc., in the amount of \$586,464.64. (FOR POSSIBLE ACTION) (Time: 2:30 p.m.)

An agenda item from Capital Projects Manager Brian Cason and Assistant Community Services Director John Martini recommending Council utilize \$586,464.64 of approved FY15 CIP budget in 15-1000 City Hall HVAC Upgrades to fund change Order No. 1 for the Alf Sorensen Natatorium Renovation Project and approval of change Order No 1. This work includes remediation of water damage, cleaning and sealing of roof framing, replacement of deteriorated roof framing, and the modification and replacement of the roof deck above the natatorium. The change order also adds \$125,000 to the force account in this contract.

Alf Sorensen Community Center was constructed in 1981 with several remodels completed in the building since original construction. Hershenow + Klippenstein Architects (H+K) was retained in 2011 to make preliminary assessments and recommendations regarding a means of reducing the humidity levels in the area containing the swimming pool (the natatorium). The original building plans followed design standards common at the time of construction; however experience nationwide has shown that temperature control and ventilation of a natatorium requires a more robust ventilation system than was originally provided. The high humidity levels in the natatorium have caused extensive corrosion and deterioration of the ceiling materials above the natatorium and the roof system after 30 years of poor ceiling ventilation. Funding to be provided from Capital Projects Fund. There is no impact to the general fund.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to utilize \$586,464.64 of approved FY15 CIP budget in 15-1000 City Hall HVAC Upgrades to fund change Order No. 1 for the Alf Sorensen Natatorium Renovation Project. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Change Order No. 1 for the Alf Sorensen Natatorium Renovation Project, Bid No. 13/14-015, PWP-WA-2014-098 to Frank Lepori Construction, Inc., in the amount of \$586,464.64. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

9.7 Consideration and possible action on a Business Impact Statement prepared pursuant to NRS 237.090 to address the proposed impact of an amendment

to Title 5 of the Sparks Municipal Code entitled Business Licenses, Taxes and Regulations by adding a new Chapter 5.80, entitled “Medical Marijuana Establishments,” to provide for the licensing requirements and establishment of fees to operate Medical Marijuana Establishments including testing laboratories, cultivation facilities, production facilities and dispensaries, which are registered and permitted by the State of Nevada under NRS Chapter 453A, and providing other matters properly related thereto. (FOR POSSIBLE ACTION) (Time: 2:38p.m.)

An agenda item from Senior Planner Tim Thompson recommending Council accept the Business Impact Statement. The City is in the process of enacting rules and regulations for the licensing and operation of medical marijuana facilities. Because the rules and regulations include the establishment of fees, a Business Impact Statement is required. Medical marijuana is a new industry in Nevada. At this time it is difficult to predict both the license fee revenues this industry will generate and the City’s costs for regulating Medical Marijuana Establishments. The proposed business licensing fees will, however, at least partially offset the City’s costs and impact to the general fund.

Council Member Schmitt expressed his desire to glean some idea of how much this bill will cost the taxpayers and how much it will cost the city to manage the businesses. Mr. Thompson said there is no answer at this time.

City Manager Steve Driscoll said after a certain period of time, staff will likely be able to determine how much the medical marijuana businesses cost the city in terms of public safety and other issues. Mayor Martini asked if police, fire and other departments are able to track public safety and other costs for particular business models like casinos and convenience stores. Council Member Schmitt said that as an unfunded mandate from the state, the city should track these costs to determine if additional business licensing fees should be collected by the city. City Attorney Chet Adams cautioned that some businesses and residential areas call for more services by city staff and the city does not charge for equal services.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to accept the Business Impact Statement and find the Business Impact Statement was properly prepared and the adoption of the Ordinance, amending Sparks Municipal Code Title 5, does not impose a direct and significant economic burden upon a business nor directly restrict the formation, operation or expansion of a business. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

9.8 FIRST READING. Bill No. 2679, an ordinance amending Chapter 5 of the Sparks Municipal Code to provide for the licensing of Medical Marijuana Establishments and other matters properly related thereto. (FOR POSSIBLE ACTION) (Time: 2:54 p.m.)

City Clerk Teresa Gardner read Bill No. 2679 by title. The second reading and public hearing will be held at the next regular City Council meeting on Monday August 25, 2014.

9.9 FIRST READING. CA-5-14, Bill No. 2680, an ordinance amending Chapter 7.16 (Nuisances), including the addition of a “Property Preservation” section, and Chapter 20.35 (Recreational Vehicle Storage) of the Sparks Municipal Code and other matters properly related thereto. (Time: 2:55 p.m.)

City Clerk Teresa Gardner read Bill No. 2680 by title. The second reading and public hearing will be held at the next regular City Council meeting on Monday August 25, 2014.

9.10 FIRST READING. PCN14016 Bill No. 2681, an ordinance to rezone from A-40 (Agriculture) to NUD (New Urban Development), on a site totaling approximately 43.8 acres located at 6000 Vista Boulevard, Sparks, NV; and other matters properly relating thereto. (Time: 2:56 p.m.)

City Clerk Teresa Gardner read Bill No. 2681 by title. The second reading and public hearing will be held at the next regular City Council meeting on Monday August 25, 2014.

9.11 FIRST READING. PCN14012, Bill No. 2682, an ordinance to change the zoning from R5 (Multiple Family Residential) to PO (Professional Office) on a site approximately 1.6 acres in size located at 2405, 2415, and 2435 Pyramid Way, Sparks, NV, and other matters properly relating thereto. (Time: 2:56 p.m.)

City Clerk Teresa Gardner read Bill No. 2682 by title. The second reading and public hearing will be held at the next regular City Council meeting on Monday August 25, 2014.

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

10.1 Consideration and approval of Resolution No. 3261, authorizing an interfund loan to the Community Development Block Grant Entitlement Fund, and/or the Community Development Block Grant Fund, and/or the Sparks Grants & Donations Fund, from the General Fund as needed. (FOR POSSIBLE ACTION) (Time: 2:57 p.m.)

An agenda item from Accounting Manager Debi Kinder recommending Council approve the resolution authorizing an interfund loan to the Community Development Block Grant Entitlement Fund, and/or the Community Development Block Grant Fund, and/or the Sparks Grants & Donations Fund, from the General Fund as needed. The City's three grant funds are operated mainly on a reimbursement basis and as such may experience cash flow problems. NRS 354.6118 and NAC 354.290 have established that a public hearing is required for any interfund loans and that any fund with negative cash has been a party to such a loan. Since grant spending cannot always be predicted accurately, cash needs may not allow sufficient time to hold the required public hearing. This resolution will allow the Financial Services Director to manage the cash flow of reimbursement grant funds in a more efficient manner without violating NRS. There is no impact to the general fund.

Ms. Kinder said the CDBG grant funds are not collected in advance. Council Member Schmitt said he is concerned that someday the match funding will no longer be available.

The public hearing was opened; no comments were received.

A motion was made by Council Member Lawson, seconded by Council Member Smith, to approve Resolution No. 3261 to authorize an interfund loan to the grant funds of the City of Sparks. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

11. Planning and Zoning Public Hearings and Action Items

11.1 Public Hearing, PCN14014, Consideration and possible action on a request for tentative and final approval of an amendment to a planned development

handbook (Miramonte) to revise development standards by modifying the front yard setback requirements including reducing the front yard setback from 15 feet to 10 feet from the front property line to any livable space or a side load garage, reducing the setback from the front property line to a garage from 20 feet to 18 feet while maintaining a minimum 20-foot long driveway, allowing porches to encroach 5 feet into the front yard setback, and increasing the maximum coverage of a lot by structures from 45% to 55% within the SF6 designation and other matters properly relating thereto, on a site totaling approximately 83 acres in size in PD (Planned Development – Miramonte) zoning district located east of Desert Stone Drive and Vista Heights Drive, Sparks, NV. (FOR POSSIBLE ACTION) (Time: 3:03 p.m.)

An agenda item from Senior Planner Tim Thompson recommending Council approve the amendment. The requested amendment proposes to revise the development standards by modifying the front yard setback requirements including reducing the front yard setback from 15 feet to 10 feet from the front property line to any livable space or a side load garage, reducing the setback from the front property line to a garage from 20 feet to 18 feet while maintaining a minimum 20-foot long driveway, allowing porches to encroach 5 feet into the front yard setback, and increasing the maximum coverage of a lot by structures from 45% to 55% within the SF6 designation. There is no impact to the general fund.

Applicant Melissa Lindell with Wood Rogers and Ryder Homes spoke to the flexibility of larger single-story units while still allowing for larger back yards.

The public hearing was opened; no comments were received.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve an amendment to the Miramonte Planned Development Handbook associated with PCN14014, adopting Findings PD1 through PD21 and the facts supporting those Findings as set forth in the staff report. Because the request includes final approval, the Planning Commission does not recommend that the City Council require a bond at this time as stated in NRS 278A.490. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

11.2 SECOND READING. Discussion and possible action on Bill No. 2678, an Ordinance amending Title 20 of the Sparks Municipal Code (Section 20.56 Signs); to change the method for sign calculations; to add regulations governing digital signs; and providing other matters properly related thereto. (FOR POSSIBLE ACTION) (Time: 3:12 p.m.)

An agenda item from Senior Planners Karen Melby and Tim Thompson recommending Council approve Bill No. 2678, CA-3-09, amending Title 20 of Sparks Municipal Code. This request is for a Code Amendment to Chapter 20 to change the method for sign calculations, to add regulations governing digital signs and temporary signs along with other administrative corrections. There is no impact to the general fund.

Council Member Lawson said he would abstain from voting on this item because he works in the sign industry.

Senior Planner Tim Thompson referred to comments received in a letter from Saunders Outdoor Advertising where Saunders stated the 3,000 square foot separation rule is excessive. Mr. Thompson said staff elected the 3,000-foot separation rule for public safety and aesthetics. Saunders also mentioned staff's effort to combine on-and-off premise content.

Mr. Thompson also commented on a letter from Scenic Nevada wherein they suggest a 3,000 radial feet separation and different levels for brightness of the sign.

Staff recommends maintaining the proposed 3,000-foot separation and use of foot candles meters to better manage code enforcement.

Council Member Schmitt said he supports allowing current-standing signs to convert to digital signs without additional licensing, regardless of feet of separation.

Public comment was opened.

- Mark Courting with Saunders Outdoor is opposed to the 3000-foot separation rule and favors the 1500-foot rule remain in place. Mr. Courting would like clarification on who will get the digital sign if other signs are competing within the same spatial limits.
- Tom Weatherby with YESCO said he would like to see the ordinance wording firmed up as to what types of replacement to existing signs will be allowed in future.
- Lori Wray with Scenic Nevada supports the ordinance and the updates therein. Scenic Nevada supports the 3,000-foot rule for reasons of public safety.
- Reno attorney Mark Wray for Scenic Nevada said Nevada state law defined billboards as nuisances unless put up in accordance with strict standards. Mr. Wray said the digital sign business exists to distract drivers.

Public comment closed.

Mr. Thompson said if the 3,000-foot rule is not adopted, hundreds of businesses could potentially erect digital billboards within a relatively small area. He said that even as a content neutral ordinance, some discretion is necessary in the regulation of signs and staff will want to take each project on a case-by-case basis, especially as regards bringing currently non-conforming signs to conformance.

Mr. Thompson said companies competing for the same sign space would be treated "first come, first served" and that even with the 1500-foot rule, many businesses vying for particular sign permits would not be granted.

In response to Council Member Ratti's questions, Mr. Thompson said the content neutral sign code does not apply during an election period, thus challenging some temporary signs, such as those often found in liquor stores. Staff proposes permitting temporary signs under particular circumstances.

Council Member Ratti said she believes it is the city's responsibility to monitor visual clutter, especially as it can affect public safety.

Mr. Thompson said standard signs / special free-standing signs / billboards can be erected at 1,500 feet distance from each other; it is the digital billboards that are restricted to 3,000 feet.

A motion was made by Council Member Carrigan, seconded by Council Member Ratti, to approve CA-3-09, Bill No. 2678, to amend Chapter 20.56 Signs of the Sparks Municipal Code. Council Member Lawson, ABSTAIN. Council Members Ratti, Carrigan, YES. Council Members Smith, Schmitt, NO. Motion failed.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve CA-3-09, Bill No. 2678, to amend Chapter 20.56 Signs of the Sparks Municipal Code, except to change the requirement for 3000 feet to 1500 feet. Council Member Lawson, ABSTAIN. Council Members Smith, Schmitt, YES. Council Members Ratti, Carrigan, NO. Motion failed.

City Attorney Chet Adams confirmed Council Member Carrigan's statement that in 2002 the city failed to prevail in a lawsuit wherein sign companies disagreed with the city's sign ordinance and the city was forced to allow certain signs.

Mr. Carrigan said he supports passing the ordinance as presented by staff and giving it time to see how it goes. He said that if, over time, it becomes apparent that the ordinance needs to be changed, it could be presented to Council again.

A motion was made by Council Member Carrigan, seconded by Council Member Ratti, to approve CA-3-09, Bill No. 2678, to amend Chapter 20.56 Signs of the Sparks Municipal Code. Council Member Lawson, ABSTAIN. Council Members Ratti, Carrigan, YES. Council Members Smith, Schmitt, NO. Motion failed.

Because of the complexity of the code, staff recommended the item be continued. Karen Melby asked for a continuation and suggested staff look at alternatives and present options as a general business item for direction by Council.

City Attorney Chet Adams said alternatives proposed by staff would be part of a second reading of the proposed changes.

12. Closed Door Sessions - None

13. Comments

13.1 Comments from the Public (Time: 4:50 p.m.)

Jennifer Snyder of Join Together Northern Nevada made recommendations about licensing and legal requirements for medical marijuana and offered the assistance of the organization.

13.2 Comments from City Council and City Manager (Time: 4:52 p.m.) - None

14. Adjournment

Council was adjourned at 4:52 p.m.

GENO R. MARTINI, Mayor

ATTEST:

Teresa Gardner, City Clerk

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DRAFT