



MAYOR
Geno Martini

CITY COUNCIL
Donald Abbott, Ward I
Ed Lawson, Ward II
Ron Smith, Ward III
Charlene Bybee, Ward IV
Kristopher Dahir, Ward V

CITY ATTORNEY
Chet Adams

CITY MANAGER
Steve Driscoll

REGULAR CITY COUNCIL MEETING MINUTES
2:00 P.M., Tuesday, May 29, 2018
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

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

The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 2:00 p.m.

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

Mayor Geno Martini, Council Members Donald Abbott, Ed Lawson, Ron Smith, Charlene Bybee, Kristopher Dahir, City Manager Steve Driscoll, City Attorney Chet Adams and City Clerk Teresa Gardner, PRESENT.

ABSENT: None

3. Opening Ceremonies

3.1 Invocation Speaker (Time: 2:00 p.m.)

Pastor Tim Oates, Spirit Filled Church was unable to attend. The invocation was provided by Council Member and Pastor Kristopher Dahir.

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

The Pledge of Allegiance was led by Samuel Brewer.

4. Public Comment (Time: 2:02 p.m.)

Kirk Reinschmint, Betty Ybarra, and Kathleen Evenson all spoke in opposition to their board of directors' sought-after revision to Toscano Retirement Community policy to remove the requirement of maintaining a tree in the front yard of each residential unit. Mayor Martini said he supports the homeowners to keep the requirement to maintain a front yard tree at each unit.

5. Agenda (Time: 2:08 p.m.)

5.1 Approval of the Agenda (FOR POSSIBLE ACTION)

Consideration of taking items out of sequence, deleting items and adding items which require action upon a finding that an emergency exists.

A motion was made by Council Member Smith, seconded by Council Member Abbott, to approve the agenda as amended moving item 9.9 and 10.1 before agenda item 9.1. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

6. Minutes (Time: 2:09 p.m.)

6.1 Consideration and possible approval of the minutes of the regular Sparks City Council meeting of May 14, 2018. (FOR POSSIBLE ACTION)

A motion was made by Council Member Smith, seconded by Council Member Dahir, to approve the minutes of the regular Sparks City Council meeting of May 14, 2018. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

7. Announcements, Presentations, Recognition Items and Items of Special Interest - None

8. Consent Items (FOR POSSIBLE ACTION) (Time: 2:10 p.m.)

A motion was made by Council Member Bybee, seconded by Council Member Abbott, to approve consent items 8.1 and 8.2 as submitted. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

8.1 Report of Claims and Bills approved for payment and appropriation transfers for the period April 26, 2018 through May 09, 2018. (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, discussion and possible approval of a contract (AC-5475) with Ranger Construction to remove and replace a 100 HP air compressor at the Truckee Meadows Water Reclamation Facility (TMWRF) in an amount not to exceed \$209,203.00, with the City of Sparks share \$65,626.98. (FOR POSSIBLE ACTION)

An agenda item from TMWRF Maintenance Manager Kim Laber recommending City Council approve the contract. The Truckee Meadows Water Reclamation Facility (TMWRF) utilizes three 100 HP air compressors to operate process control valves and process flow meters throughout the facility. The plant has three 100 HP air compressors. Typically, two compressors are in service and one in standby so that if one fails the plant still has the required redundancy. These air compressors were installed in 1997 and have performed beyond their useful life. One of the compressors has failed and a replacement is needed to provide the required redundancy. Budget is available in TMWRF Operations and Capital Equipment and Furnishing funds. 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 Airport Noise Advisory Panel from the following pool of applicants, listed in alphabetical order: David Shocket. (FOR POSSIBLE ACTION) (Time: 2:18 p.m.)

An agenda item from City Manager Steve Driscoll recommending Council confirm the Mayor's recommendation of appointment of David Shocket. The Airport Noise Advisory Panel assesses information on airport noise problems, assists in coordination between land use activities and the activities of the airport, and promotes greater communication regarding airport noise among the various public bodies. There is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Dahir, to confirm the Mayor's appointment of David Shocket to the Airport Noise Advisory Panel for a 2-year term ending December 31, 2019. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.2 Consideration and possible approval of the Mayor's recommendation of appointment to the Enterprise Fund Advisory Committee (EFAC) from the following pool of applicants, listed in alphabetical order: Ted Erkan; and Robert Sandoval. (FOR POSSIBLE ACTION) (Time: 2:19 p.m.)

An agenda item from City Manager Steve Driscoll recommending Council confirm the Mayor's appointment of Ted Erkan to the Enterprise Fund Advisory Committee. The Enterprise Fund Advisory Committee reviews the operations, policies, procedures and financial status of the Development Services Enterprise Fund and can provide recommendations to the Sparks City Council with respect to proposed code amendments, fees for development services and impact fee rates associated with Impact Fee Service Area #1. There is no impact to the general fund.

A motion was made by Council Member Lawson, seconded by Council Member Abbott, to confirm the Mayor's appointment of Ted Erkan to the Enterprise Fund Advisory Committee for a term that will expire on December 31, 2019. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.3 Consideration, discussion and possible approval of payment of a \$10,000 donation to Keep Truckee Meadows Beautiful (KTMB). (FOR POSSIBLE ACTION) (Time: 2:19 p.m.)

An agenda item from City Manager Steve Driscoll and KTMB Executive Director Christi Cakiroglu recommending Council approve payment of \$10,000 to Keep Truckee Meadows Beautiful who has maintained a partnership with the City of Sparks on programming including Adopt-a-Spot, Adopt-a-Park, River Cleanup, Educational Programs, Illegal Dumping, Litter Campaigns and Christmas Tree Recycling. There is \$10,000 impact to the general fund.

A motion was made by Council Member Bybee, seconded by Council Member Dahir, to approve payment of \$10,000 to Keep Truckee Meadows Beautiful. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.4 Consideration and possible approval of the 2018 CDBG Street Improvements – H Street and 16th Street Project – Federally Funded, Bid No. 17/18-016, PWP-WA-2018-129 contract (AC-5476) to Granite Construction Company in the amount of \$639,639.00 (FOR POSSIBLE ACTION) (Time: 2:22 p.m.)

An agenda item from Transportation Manager Amber Sosa recommending Council approve the contract. The scope of work for this project involves the removal and replacement of existing curb, gutter, and sidewalk. Existing catch basins and service laterals will be replaced. The roadway will be pulverized, repaved, and new striping will be installed. This project will rehabilitate H Street from Rock Blvd to 15th Street and 16th Street from G Street to I Street. The project area is located entirely within the City of Sparks Town Center Redevelopment Area, also referred to as Redevelopment Area 1.

Funding for this project is proposed from two sources: 1) \$425,000.00 from the City's Community Development Block Grant (CDBG) allocations from fiscal years 2017 and 2018; and, 2) \$214,639

from the capital projects fund for Redevelopment Area 1 (Fund 3401). There is no impact to the general fund.

A motion was made by Council Member Abbott, seconded by Council Member Lawson, to approve the contract for the 2018 CDBG Street Improvements to Granite Construction Company in the amount of \$639,639. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.5 Consideration, discussion, and possible decision regarding a Settlement Offer in a Civil Rights Case (FOR POSSIBLE ACTION). (Time: 2:25 p.m.)

An agenda item from Assistant City Attorney Alyson McCormick recommending Council reject the settlement offer made by counsel for Plaintiff Lionel Irving. In September 2017, Plaintiff Lionel Irving filed a complaint against the City of Sparks and other entities based on events that allegedly occurred in September 2015. Plaintiff alleges that he was shot by a Sparks Police Officer in violation of his civil rights, in addition to other allegations. The case is currently proceeding in the United States District Court for the District of Nevada as Lionel Irving v. City of Sparks, et al., Case No. 3:17-CV-00663-MMD-VPC. There is no impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Smith, based on the advice of the City Attorney's Office, to reject Plaintiff Lionel Irving's settlement offer of \$50,000.00 and pursue further negotiations and/or litigation of Mr. Irving's claims. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.6 Consideration, discussion, and possible direction to the City Attorney to initiate three civil forfeiture cases on behalf of the City relating to Sparks Police Department Case Numbers 18-1261, 18-1487, and 18-3355 (FOR POSSIBLE ACTION). (Time: 2:27 p.m.)

An agenda item from Assistant City Attorney Alyson McCormick recommending Council direct the City Attorney to initiate three civil forfeiture cases. NRS Chapter 179 and NRS Chapter 453 allow for the forfeiture of proceeds of certain drug-related offenses. Each of the three cases involved drug-related offenses and the seizure of U.S. currency from the arrestees. Specifically, SPD 18-1261 involves the seizure of \$1,090.00; SPD 18-1487 involves the seizure of \$882.00; and SPD 18-3355 involves the seizure of \$680.00. The period within which a civil forfeiture complaint must be filed is brief, but pursuant to NRS 179.1173(2), a civil forfeiture proceeding must be stayed pending disposition of the related criminal case. Therefore, if the City Council were to direct the City Attorney to initiate three civil forfeiture cases relating to the listed SPD case numbers, the City Attorney would file a complaint and a motion to stay the proceedings in each case as required by NRS 179.1173(2). Proceeds from any of the civil forfeiture cases would be divided between Sparks Police Department and the City Attorney's Office. If a civil forfeiture case is not initiated or is ultimately not successful, the money seized must be returned to the suspect in each case. No direct financial impact to the general fund is anticipated.

A motion was made by Council Member Smith, seconded by Council Member Lawson, based on the advice of the City Attorney's Office, to direct the City Attorney to initiate three civil forfeiture cases on behalf of the City relating to Sparks Police Department Case Numbers 18-1261, 18-1487, and 18-3355. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.7 Consideration, discussion and possible approval of Resolution No. 3334 by the Sparks City Council directing the placement of an advisory question on the November 2018 Sparks General Election Ballot asking Sparks' voters if the office of the Sparks City Attorney should continue to be an elected, non-partisan office in Sparks Government. (FOR POSSIBLE ACTION) (Time: 2:32 p.m.)

An agenda item from City Attorney Chet Adams recommending Council adopt Resolution No. 3334 to place an advisory question on the 2018 general election ballot. Sparks' voters desired to create, retain, and exercise their right to vote for their City Attorney in 1974 and again in 1991. The Nevada Legislature has recently considered changing the office of the Sparks City Attorney from an elected city office to an appointed position. Neither AB 570, nor SB 434 requested input or direction from the Sparks Charter Committee, the Sparks City Council, or the voters of Sparks. The citizens of Sparks currently have the right to vote for their elected representatives, including their City Attorney. No financial impact to the general fund is anticipated.

Mr. Adams said the Charter Committee is considering a recommendation to propose language to remove the citizens' right to vote for their City Attorney. Mr. Adams said the advisory question will be important if the Nevada Legislature addresses the issue during the next session. Mayor Martini and Council discussed the importance of knowing what the citizens want and the work of the Charter Committee.

A motion was made by Council Member Dahir, seconded by Council Member Smith, to adopt Resolution No. 3334 authorizing the placement of an Advisory Question on the November 2018 Sparks General Election Ballot asking Sparks' voters if the office of the Sparks City Attorney should continue to be an elected, non-partisan office. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.8 Consideration, discussion and possible adoption of Resolution No. 3331 to augment the FY18 budget by \$7,121,043 in various funds to provide appropriations for capital projects approved, but not completed in prior years. (FOR POSSIBLE ACTION) (Time: 2:44 p.m.)

An agenda item from Budget Administrator Stacie Hemmerling recommending Council adopt Resolution No. 3331 for the re-appropriation of prior year budget authority for capital improvement projects that were approved in the FY17 and FY16 Capital Improvement Plans, but not completed. 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 a \$7,121,043 increase to FY18 appropriations in various Capital Projects Funds, the Sewer Enterprise Fund and the Motor Vehicle Maintenance Internal Service Fund, there is no impact to the general fund.

A motion was made by Council Member Bybee, seconded by Council Member Abbott, to adopt Resolution No. 3331 to augment the FY18 Capital Projects Funds, Enterprise Fund and Internal Service Fund budgets. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.9 Consideration and possible adoption of the Final budget for the City of Sparks for fiscal year 2018-2019. TO BE HEARD AFTER THE PUBLIC HEARING AGENDA ITEM 10.1 TENTATIVE BUDGET (FOR POSSIBLE ACTION)
(Time: 2:13 p.m.)

HEARD AFTER AGENDA ITEM 10.1. An agenda item from Financial Services Director Jeff Cronk recommending Council adopt the final budget for fiscal year 2018-2019 (FY19). In accordance with NRS 354.598, the Council must adopt a FY19 Final budget for the City of Sparks on or before June 1, 2018. No substantial/significant changes were made since presented to Council as the City Manager recommendations in April; however, a few immaterial clean-up adjustments were made: the electric and gas franchise fee revenue projections increased, the contribution to Regional Planning increased, a reduction in the contribution to the Community Assistance Center, Sewer Fund revenues increased and capital outlay estimates in the sewer fund decreased. The budget must be filed with the Department of Taxation in accordance with specific instructions for categorizing revenue and expenditures; and must be presented using prescribed filing forms and formats. The Financial Services Department believes the final budget document submitted fully complies with those requirements as established by the Department of Taxation.

A motion was made by Council Member Smith, seconded by Council Member Dahir, to adopt the final budget for the City of Sparks for fiscal year 2018-2019 as presented. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

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

10.1 PUBLIC HEARING as required by NRS 354.596 to allow public comment on the Tentative Budget of the City of Sparks for fiscal year 2018-2019. TO BE HEARD BEFORE AGENDA ITEM 9.9 FINAL BUDGET (FOR POSSIBLE ACTION) (Time: 2:11 p.m.)

HEARD AFTER THE CONSENT ITEMS AND BEFORE AGENDA ITEM 9.9. An agenda item from Financial Services Director Jeff Cronk recommending Council hold a public hearing on the 2018-2019 Tentative budget as required by NRS 354.596.

The Public Hearing was opened at 2:12; no comments were received.

11. Planning and Zoning Public Hearings and Action Items

11.1 Consideration, discussion and possible approval of Resolution No. 3333 adopting the revised land use assumptions, capital improvements plan and imposition of impact fees for Impact Fee Service Area Number 1. (FOR POSSIBLE ACTION) (Time: 2:48 p.m.)

An agenda item from Community Services Director John Martini recommending Council adopt Resolution No. 3333. On October 27, 2016 the Sparks City Council passed and adopted Ordinance No. 2531 annexing two parcels of land comprising 67.4 acres generally located along the southwest corner of the intersection of Pyramid Lake Highway and Highland Ranch Parkway. On October 17, 2017, the City received a petition from the property owner to include the annexed parcels within Impact Fee Service Area Number 1 (IFSA#1) to finance Capital Improvements necessitated by and attributable to new development of the parcels.

In response to the petition, the City of Sparks retained House Moran Consulting, Inc (HMCI), to provide an analysis of the land use assumptions, capital improvements plan and imposition of impact fees in the service area including the parcels annexed via Ordinance No. 2531. The results

of the analysis performed by HMCI were documented in a report titled Capital Improvements Plan: Impact Fee Service Area #1, Updated Fee Schedule, April 2018. (Attached as Exhibit B to Resolution No. 3333).

The Capital Improvements Advisory Committee (CIAC), reviewed the land use assumptions, Capital Improvements Plan and imposition of IFSA#1 on May 3, 2018 and voted unanimously to forward a recommendation of approval to the City Council. The IFSA#1 update was presented to the Development Services Users Group (DSUG) on May 4, 2018. The DSUG voted unanimously to recommend approval to the Sparks City Council. Upon approval of Resolution No. 3333, the parcels annexed via Ordinance No. 2531 will be included in the service area boundary of IFSA#1 and the updated IFSA#1 Impact Fee Schedule will become effective on July 1, 2018.

The acreage is adjacent to the established impact area, with a high potential for service and infrastructure needs already established within IFSA#1. Future development within the proposed annexation will need, and will benefit from, that established and maintained by those existing services. Without the proposed action, financial burden will be maintained only by currently designated property tax revenue, subject to current property tax caps. There is no direct financial impact on the operation of the City; funds collected through the impact fee program will be used to provide regional infrastructure in the service area.

City Attorney Chet Adams said the title did not reflect a “public hearing”; however, during the Redevelopment Agency meeting that followed this meeting, Mr. Adams said agenda item 11.1 on the City Council meeting agenda was properly and legally noticed, a public hearing was not required.

A motion was made by Samuel Brewer on behalf of Council Member Dahir, seconded by Council Member Bybee, to approve Resolution No. 3333 adopting the revised land use assumptions, capital improvements plan and imposition of impact fees for Impact Fee Service Area Number 1. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

12. Comments

12.1 Comments from the Public (Time: 3:06 p.m.)

Bill Wagner spoke in opposition of the Landstar development on Los Altos Parkway and submitted information to be attached to the record.

12.2 Comments from City Council and City Manager (Time: 3:08 p.m.)

Council Member Smith said the Southeast Connector or the Veterans Parkway, which was envisioned in 1954, approved in 1964, will be holding a grand opening celebration on July 6 at 11:00 a.m.

City Manager Steve Driscoll announced available committee positions: Civil Service Commission 2 members, 3-year term; Parks & Recreation Commission 2 members, 3-year term; Technical Review Committee/Washoe County Home Consortium 1 member, 3-year term; and Enterprise Fund Advisory Committee (from the residential construction industry) 1 member, 2-year term. Persons interested in serving on one of these committees can apply with the City Clerk’s office or online at www.cityofsparks.us to submit a volunteer application. Applications will be accepted until the close of business on May 31, 2018.

13. Adjournment

Council was adjourned at 3:10 p.m.

GENO R. MARTINI, Mayor

ATTEST:

Teresa Gardner, City Clerk

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