



MAYOR  
Ron Smith

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

CITY ATTORNEY  
Chet Adams

CITY MANAGER  
Neil Krutz

## REGULAR CITY COUNCIL MEETING MINUTES

2:00 P.M., Monday, May 13, 2019

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

### 1. Call to Order

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

### 2. Roll Call

Mayor Ron Smith, Council Members Donald Abbott, Ed Lawson, Paul Anderson, Charlene Bybee, Kristopher Dahir, City Manager Neil Krutz, City Attorney Chet Adams, and Acting City Clerk Lisa Hunderman, PRESENT.

### 3. Opening Ceremonies

#### 3.1 Invocation Speaker

The invocation was provided by Bishop Angelo Carvajal with the Church of Jesus Christ of Latter-Day Saints.

#### 3.2 Pledge of Allegiance

The Pledge of Allegiance was led by Council Member Dahir.

### 4. Public Comment

Sparks resident Elyana Pereos provided public comment on ongoing disturbance-of-the-peace incidences at and near her residence of 431½ 7<sup>th</sup> Street. Complaints include: a broken car windshield, blocked driveways, noise and music at unreasonable volumes and hours, and trash not maintained and disposed of properly. Ms. Pereos stated several formal complaints have been filed with the Sparks Police Department for more than a year, however the issues persist.

Sparks resident Shirley Bertschinger provided public comment regarding the unexpected death of former Lincoln Park School Principal Nick Poulakidas in 1981 and a group of teachers and staff who worked with Mr. Poulakidas that continue to memorialize him with a monthly luncheon in his honor. Ms. Bertschinger provided a written statement and news article, and requested Council consider recognizing those who have preserved the memory of Mr. Poulakidas since 1981.

Marcy Kupfersmith and Andrea Pelto, both on the Sparks Senior Citizens Advisory Committee, each provided public comment thanking Public Relations Manager Julie Duewel for her efforts in educating the public about Older Americans Month and promoting associated events.

Sparks resident Kathleen Shupp provided public comment regarding the new high school proposed for Wildcreek Golf Course. Ms. Shupp expressed concerns the volume of students who will attend the school and traffic on Wedekind Road. Ms. Shupp would like consideration of additional traffic relief measures, and that she would like to see greenspace maintained. Ms. Shupp also expressed concern about students who reside in Reno being allowed to attend school in Sparks.

Washoe County School District Superintendent Traci Davis thanked Council Members Dahir, Abbott, and Anderson for their help delivering donuts during Teachers Appreciation Week. She also thanked Council Member Bybee for her contributions to the Safe and Healthy Schools Commission. Ms. Davis provided public comment regarding the new high school at Wildcreek and how crucial she feels the project is to meet the needs of area high school students. Ms. Davis noted relocating students from Hug High School to the new campus, alleviating overcrowding issues and promoting room for growth at Spanish Springs High School, and facilitating a new career technical school at the Hug High School location will all contribute to reshaping the education system and providing a solid foundation for future generations of students.

## **5. Agenda**

### **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.

**Motion:** Move to approve the agenda as submitted.

**Moved by:** Council Member Dahir

**Seconded by:** Council Member Abbott

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

## **6. Minutes**

### **6.1 Consideration and possible approval of the minutes of the Sparks City Council meeting for April 22, 2019.**

**Motion:** Move to approve the minutes of the Sparks City Council meeting for April 22, 2019.

**Moved by:** Council Member Bybee

**Seconded by:** Council Member Anderson

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

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

### **7.1 Proclamation: "National Police Officers Week"**

Council proclaimed the week of May 12-18, 2019 as National Police Officers Week to commend law enforcement officers, past and present, for their dedication to

service in their communities and their enduring efforts to preserve the rights and securities of all citizens. This proclamation coincides with Congress and the President of the United State's recognition of May 15<sup>th</sup> as Peace Officers Memorial Day. The proclamation was read by Mayor Smith and presented to Police Chief Brian Allen. Chief Allen thanked Council for their observance of this bittersweet week which simultaneously recognizes the ongoing efforts of police officers in addition to honoring sacrifices made in the line of duty.

**7.2 Proclamation: "National Public Works Week"**

Council proclaimed the week of May 19-25, 2019 as National Public Works Week in recognition of public works professionals, engineers, managers, and employees for their contributions to protecting national health, safety, and quality of life. 2019 marks the 59<sup>th</sup> annual National Public Works Week sponsored by the American Public Works Association. The proclamation was read by Council Member Anderson and presented to Public Works Manager Ron Korman and City Engineer Jon Ericson. Council, Mr. Korman, and Mr. Ericson thanked Public Works staff for their dedication to being the "other" first responders in the middle of the night for inclement weather, flooding issues, and other issues as they arise in order to keep communities safe and operational.

**7.3 Proclamation: "Washoe County Bike Week"**

Council proclaimed May 11-17, 2019 as Washoe County Bike Week and encouraged all citizens to enjoy the benefits of bicycling and promote bicycle safety and cyclist awareness on roadways. The proclamation was read by Council Member Abbott and presented to Transportation Manager Amber Sosa. Council Member Abbott reminded the 2019 Ride for Reading is scheduled for Thursday, May 16, at 12:30 p.m.

**7.4 Presentation: Results of the Waste Characterization Study conducted by the Washoe County Health District**

Christi Cakirogulu, Executive Director with Keep Truckee Meadows Beautiful (KTMB) and Luke Franklin, Senior Registered Environmental Health Specialist with Washoe County Health District, presented results of the 2018 Two Season Waste Characterization Study and provided comment on KTMB projects.

Ms. Cakirogulu provided comment on the Waste Characterization Study, which identified types and amounts of waste taken to transfer stations from the City of Reno, City of Sparks, and surrounding areas. Ms. Cakirogulu's presentation discussed: methodology, sample cell selection, individual transfer station collection statistics, self-haul findings, and recommendations. Council thanked KTMB and WCHD for their recommendations and continued efforts to keeping the community maintained and asked how the area's recycling statistics compares to others. Mr. Franklin confirmed Washoe County's recycling rate was calculated at about 21%, and noted this region is one of the best in the state of Nevada for recycling. Smith commended police and public works departments once again for river clean-up efforts.

**7.5 Boards & Commissions Vacancy Announcement: Arts & Culture Advisory Commission**

City Manager Neil Krutz announced a vacancy for the following board and commission: Arts & Culture Advisory Commission to fill one (1) partial term ending 11/6/2020. A humanities background is required. Applications can be submitted on the city website at [www.cityofsparks.us](http://www.cityofsparks.us) or with the City Clerk's Office. Applications will be accepted until close of business May 31, 2019.

**7.6 Boards & Commissions Vacancy Announcement: Civil Service Commission**

City Manager Neil Krutz announced a vacancy for the following board and commission: Civil Service Commission to fill one (1) three-year term. Applications can be submitted on the city website at [www.cityofsparks.us](http://www.cityofsparks.us) or with the City Clerk's Office. Applications will be accepted until close of business May 31, 2019.

**7.7 Boards & Commissions Vacancy Announcement: Reno Tahoe Airport Authority Board of Trustees**

City Manager Neil Krutz announced a vacancy for the following board and commission: Reno-Tahoe Airport Authority Board of Trustees to fill one (1) four-year term. Applications can be submitted on the city website at [www.cityofsparks.us](http://www.cityofsparks.us) or with the City Clerk's Office. Applications will be accepted until close of business May 31, 2019.

**7.8 Boards & Commissions Vacancy Announcement: Parks and Recreation Commission**

City Manager Neil Krutz announced a vacancy for the following board and commission: Parks and Recreation Commission to fill two (2) three-year terms, and one (1) partial term ending June 30, 2020. Applications can be submitted on the city website at [www.cityofsparks.us](http://www.cityofsparks.us) or with the City Clerk's Office. Applications will be accepted until close of business May 31, 2019.

**7.9 Boards & Commissions Vacancy Announcement: Technical Review Committee / Washoe County Home Consortium**

City Manager Neil Krutz announced a vacancy for the following board and commission: Technical Review Committee / Washoe County Home Consortium to fill one (1) three-year term. The vacancy seeks a non-staff person who is not required to be technically proficient in home consortium. Applications can be submitted on the city website at [www.cityofsparks.us](http://www.cityofsparks.us) or with the City Clerk's Office. Applications will be accepted until close of business May 31, 2019.

**8. Consent Items (FOR POSSIBLE ACTION)**

**Motion:** Move to approve consent items 8.1 through 8.3 as submitted.  
**Moved by:** Council Member Abbott  
**Seconded by:** Council Member Lawson  
**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir  
**No:** None  
**Abstain:** None  
**Vote:** Motion passed unanimously, 5-0.

**8.1 Consideration and possible acceptance of the report of the claims and bills approved for payment and appropriation transfers for the period of April 04, 2019 through April 24, 2019.**

An agenda item from Financial Services Director Jeff Cronk recommending the City Council approve the report of claims and bills approved for payment and appropriation transfers as presented in the staff report.

**8.2 Consideration, discussion and possible approval of an Outdoor Dining and Encroachment Permit (AC-5567) for Golden Rotisserie located at 1240 Avenue of the Oaks, Suite 100, Sparks, Nevada.**

An agenda item from Golden Rotisserie Owner Jose Chavez and presented by Planning Manager Jim Rundle requesting Council approve an Outdoor Dining and Encroachment Permit for approximately 1,249 square feet of public right-of-way in the plaza area adjacent to the Golden Rotisserie.

**8.3 Consideration and possible approval to purchase road paint in the amount of \$61,514.80 from Ennis-Flint.**

An agenda item from Community Services Director John Martini and presented by Public Works Manager Ron Korman requesting Council approve the purchase of road paint for street maintenance from Ennis-Flint in the amount of \$61,514.80. The road paint is used to restripe the streets in the City as well as used to paint curbs and medians for visibility.

**9. General Business**

**9.1 Consideration, discussion, and possible approval of the 2019 Baring Blvd Safety Project, Bid No. 18/19-020, contract (AC-5562) to Titan Electrical Contracting in the amount of \$185,600.**

An agenda item from Community Services Director John Martini and presented by Transportation Manager Amber Sosa requesting Council approve the 2019 Baring Blvd Safety Project, Bid No. 18/19-020, contract (AC-5562) to Titan Electrical Contracting in the amount of \$185,600. Titan Electrical Contracting's bid was the lowest of the two (2) qualified bids received. The project scope includes reducing the number of crosswalks in the area of Baring Blvd adjacent to Reed High School from four (4) to two (2). The two remaining crosswalks will have additional safety measures installed, to include additional overhead lighting, pedestrian-activated rectangular rapid-flashing beacons, and replacement of striping and signing modifications as necessary.

Council thanked Ms. Sosa for her efforts and collaborations with Washoe County School District on the project and commended the design proposed. Council also recognized Reed High School student Madison McCoy for her initiative in addressing Council and raising awareness and interest in public safety.

**Motion:** Move to approve the 2019 Baring Blvd Safety Project contract (AC-5562) to Titan Electrical Contracting in the amount of \$185,600.00.

**Moved by:** Council Member Anderson

**Seconded by:** Council Member Abbott

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None  
**Abstain:** None  
**Vote:** Motion passed unanimously, 5-0.

**9.2 Consideration, discussion and possible approval of an Interlocal Cooperative Agreement (AC-5564) with the Regional Transportation Commission (RTC) of Washoe County for Projects included in the RTC's FY 2020 Program of Projects (POP).**

An agenda item from Community Services Director John Martini and presented by Transportation Manager Amber Sosa requesting Council approve an Interlocal Cooperative Agreement (AC-5564) with the Regional Transportation Commission (RTC) of Washoe County for Projects included in the RTC's FY 2020 Program of Projects (POP). Projects include preventative measures to increase roadway life longevity, roadway rehabilitation projects, roadway capacity projects, safety projects and traffic signal timing and improvement projects.

RTC Director of Engineering Brian Stewart and Deputy Executive Director Amy McAbee Cummings provided a presentation outlining project development and implementation processes, fuel tax funded projects, existing projects and programs, FY20 new projects, and project selection processes. The overall funding for the region-wide RTC and federally funded categories for the FY 2020 POP is estimated to be \$262,550,000.

Council thanked RTC and asked for a list of anticipated bus stop construction timelines. Mr. Stewart confirmed RTC will start advertising construction timeframes within the community in November. Council offered assistance identifying which bus stops in the area should be considered high-priority for improvements.

**Motion:** I move to approve the Interlocal Cooperative Agreement (AC-5564) with the Regional Transportation Commission of Washoe County for the FY 2020 Program of Projects.

**Moved by:** Council Member Bybee

**Seconded by:** Council Member Abbott

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.3 Consideration, discussion and possible approval of an Interlocal Cooperative Agreement (AC-5565) for Reimbursement with the Regional Transportation Commission (RTC) of Washoe County, in the amount of \$230,000.00, for construction of sewer and storm drain improvements to be included in the RTC's Sparks Consolidated 2019 project.**

An agenda item from Community Services Director John Martini and presented by Utilities Manager Kevin Porter requesting Council approve an Interlocal Cooperative Agreement (AC-5565) for Reimbursement with the Regional Transportation Commission (RTC) of Washoe County, in the amount of

\$230,000.00, for construction of sewer and storm drain improvements to be included in the RTC's Sparks Consolidated 2019 project. This interlocal cooperative agreement for reimbursement allows the City's underground utility rehabilitation needs to be included in the construction of RTC's roadway project.

Council asked if this would be in conjunction with proposed work RTC is doing on Oddie Boulevard. Mr. Stewart with RTC clarified their construction won't start for about a year. Council commended interlocal collaboration efforts on roadway improvement.

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**Motion:** Move to approve the Interlocal Cooperative Agreement (AC-5565) for Reimbursement with the Regional Transportation Commission (RTC), in the amount of \$230,000.00, for construction of sewer and storm drain improvements to be included in the RTC's Sparks Consolidated 2019 Project.

**Moved by:** Council Member Abbott

**Seconded by:** Council Member Dahir

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.4 Consideration, discussion and possible approval of reimbursement to the City of Reno in the amount of \$1,348,439.45 for Sparks' share of a construction contract (AC-5568) with KG Walters Construction Co. Inc. for the Nitrification Tower 2 - 2019 Rehabilitation Project at the Truckee Meadows Water Reclamation Facility.**

An agenda item from Community Services Director John Martini and presented by TMWRF Treatment Plant Manager Michael Drinkwater requesting Council approve reimbursement to the City of Reno for Sparks' share of a construction contract (AC-5568) with KG Walters Construction Co. Inc. for the Nitrification Tower 2 - 2019 Rehabilitation Project at the Truckee Meadows Water Reclamation Facility in the amount of \$1,348,439.45. The current Capital Improvement Plan budget approved by the TMWRF Joint Coordinating Committee for the construction of this project will support the award of the bid in the amount of \$4,298,500, with the City of Sparks' share \$1,348,439.45. Project is anticipated to begin in March 2020.

Council asked Mr. Drinkwater to expand on why this project is so important. Mr. Drinkwater commented the nitrification towers convert ammonia to nitrate which is removed in the next phase of the process. Removal failure promotes environmental damage and increases legal liability with potential violation of the City's discharge permit.

**Motion:** Move to approve reimbursement to the City of Reno for Sparks' share of a construction contract (AC-5568) with KG Walters Construction Co. Inc. for the Nitrification Tower 2 - 2019

Rehabilitation Project at the Truckee Meadows Water Reclamation Facility in the amount of \$1,348,439.45.

**Moved by:** Council Member Dahir

**Seconded by:** Council Member Bybee

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.5 Consideration, discussion and possible approval of a tentative map request for a 161-lot single-family subdivision on a site 80.83 acres in size generally located at the northeast corner of Scheidbar Drive and Rolling Meadows Drive, Sparks, Nevada, in the PD (Planned Development – Pioneer Meadows) zoning district**

An agenda item from BPH I LLC and presented by Planner II Johnathan Cummings requesting Council approve the tentative map request for a 161-lot single-family subdivision on a site 80.83 acres in size associated with PCN19-0003 and located in the Pioneer Meadows planned development.

This tentative map is for a proposed subdivision located north of Rolling Meadows Drive and west of Fen Way in the Pioneer Meadows Planned Development (Exhibit 1 – Vicinity Map). The proposed subdivision covers 41.86 acres of an 80.83-acre site and will create 161 single-family residential lots ranging in size from 6,622 square feet to 14,243 square feet, resulting in a density of 3.85 dwelling units per acre. The Planning Commission recommends approval of this tentative map with 15 conditions as listed in the staff report.

**Motion:** Move to approve the tentative map request for a 161-lot single-family subdivision on a site 80.83 acres in size associated with PCN19-0003 and located in the Pioneer Meadows planned development, adopting Findings T1 through T12 and the facts supporting these findings as set forth in the staff report and subject to Conditions of Approval 1 through 15.

**Moved by:** Council Member Dahir

**Seconded by:** Council Member Bybee

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.6 Consideration, discussion, and possible action on a Roadway Improvement Cooperation Agreement (AC-5566) between the City of Sparks and Sparks Legends Outlet Shops, LLC for completing the construction of Windsurfer Drive in Sparks, Nevada with the City's portion of the project cost totaling \$112,690**

An agenda item from Sparks Legends Outlet Shops, LLC and presented by City Engineer Jon Ericson requesting the approval of Roadway Improvement Cooperation Agreement (AC-5566) between the City of Sparks and Sparks



Legends Outlet Shops, LLC for completing the construction of Windsurfer Drive in Sparks, Nevada with the City's portion of the project cost totaling \$112,690. The Roadway Improvement Cooperation Agreement (AC-5556) defines the respective roles and obligations of the City of Sparks and Sparks Legends Outlet Shops, LLC for the completion of Windsurfer Drive.

**Motion:** Move to approve the Roadway Improvement Cooperation Agreement (AC-5566) between the City of Sparks and Sparks Legends Outlet Shops, LLC for completing the construction of Windsurfer Drive.

**Moved by:** Council Member Anderson

**Seconded by:** Council Member Abbott

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.7 Presentation, discussion and possible approval of an Employment Agreement (AC-5569) for John A. Martini for the position of Assistant City Manager, effective May 13, 2019 with a yearly salary of \$197,579.20.**

An agenda item City Manager Neil Krutz requesting Council approve an employment agreement (AC-5569) between the City of Sparks and John A. Martini for the position of Assistant City Manager effective May 13, 2019 with an annual salary of \$197,579.20.

Mr. Martini commented he has thoroughly enjoyed his time in public service and the experiences that lead him to this new endeavor. He looks forward to the rest of his career with the City of Sparks, working with Council, and being part of the exciting growth happening.

Council acknowledged Mr. Martini's success in his role as Community Services Director and commented they are excited to work with him in this new capacity.

**Motion:** Move to approve the Employment Agreement (AC-5569) between the City of Sparks and John A. Martini and authorize the City Manager to execute the contract.

**Moved by:** Council Member Bybee

**Seconded by:** Council Member Abbott

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**9.8 Presentation, discussion and possible approval of an Employment Agreement (AC-5560) for James A. Reid for the position of Fire Chief, effective June 7, 2019 with a yearly salary of \$185,224.**

An agenda item City Manager Neil Krutz requesting Council approve an employment agreement (AC-5560) between the City of Sparks and James A. Reid

for the position of Fire Chief effective June 7, 2019 with an annual salary of \$185,224. This agreement is in anticipation of the upcoming retirement of Fire Chief Christopher Maples.

Mr. Reid commented his career began 29 years ago with the City of Sparks and he has many great mentors whose expertise and leadership will contribute in his tenure as fire chief. He recognized the dedication of great people who serve with him, and his family for their continued support of his career.

Council commented Mr. Reid has a great reputation and is well-respected in the not only in the community but also throughout his profession, and they believe he is a great choice for this role.

**Motion:** Move to approve the Employment Agreement (AC-5560) between the City of Sparks and James A. Reid and authorize the City Manager to execute the contract.  
**Moved by:** Council Member Anderson  
**Seconded by:** Council Member Dahir  
**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir  
**No:** None  
**Abstain:** None  
**Vote:** Motion passed unanimously, 5-0.

**9.9 FIRST READING of Bill 2758, an Ordinance providing for the City of Sparks to approve a Development Agreement with the Washoe County School District pursuant to NRS 278.0201 for a public high school facility on a portion of Wildcreek Golf Course generally located north of McCarran Boulevard and east of Sullivan Lane in Sparks, Nevada.**

An agenda item providing for the City of Sparks to approve a Development Agreement with the Washoe County School District for the construction of a public high school on a portion of Wildcreek Golf Course. The Development Agreement provides the City Council a mechanism to review the project in its entirety as well as review proposed mitigation measures for identified impacts from operating a high school at this site. The Planning Commission has forwarded a recommendation of approval of the Development Agreement to the City Council.

The proposed ordinance for Bill No. 2758 will be acted upon at the regular meeting of the Sparks City Council on Tuesday, May 28, 2019 in the Council Chambers of the Legislative Building at the Sparks City Hall Complex, 745 4th Street, Sparks, Nevada.

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

**10.1 PUBLIC HEARING, Consideration, discussion, and possible action regarding the possible revocation of marijuana cultivation and production business licenses currently held by NNV Operations I Inc. dba Silver State Trading.**

An agenda item from City Manager Neil Krutz and presented by Assistant City Attorney Brandan Sendall seeking direction from Council as to whether to proceed with revocation of marijuana cultivation and production business licenses currently

held by NNV Operations I Inc. dba Silver State Trading. The possible revocation stems from inadequate and untimely receipt of quarterly gross receipt filings and licensing fees for 2018 second, third, and ultimately fourth quarter payments from Silver State Trading. An agenda item was heard by Council February 25, 2019 pursuant to SMC 5.80.110(C), which mandates City Council must conduct a hearing to provide Silver State Trading an opportunity to be heard prior to taking any action to revoke Silver State Trading's marijuana cultivation and production business licenses. It was voted at that time that Council direct the City Manager and City Attorney's Office to institute revocation proceedings.

Businesses licensed under SMC Chapter 5.80 (Licensing of Marijuana Establishments) are required to pay quarterly license fees based on the establishment's quarterly gross receipts for the preceding quarter, to be paid no later than 30 days after the end of each calendar quarter. Pursuant to SMC 5.80.100, any marijuana establishment license may be revoked by the City Council if it appears to the satisfaction of a majority of its members that the licensee or an employee has (a) failed to pay any license fee, or (b) refused or neglected to comply with any of the provisions of SMC Chapter 5.80.

In July and August of 2018, Silver State Trading began asserting that it only needed to pay licensing fees for sales that it to dispensaries located within the City of Sparks, while not reporting or paying licensing fees for sales to dispensaries located in other jurisdictions. Based on this argument, Silver State Trading underreported its quarterly gross receipts for the second calendar quarter of 2018 and underpaid its quarterly licensing fees accordingly.

After months of discussion, the City Manager sent Silver State Trading a letter confirming the City considered Silver State Trading's second quarter filings to be deficient and that failure to correct the underreported and underpaid gross receipts filings by October 31, 2018 would result in the City beginning the process to revoke Silver State Trading's marijuana cultivation and production business licenses. On October 30, 2018, Silver State Trading submitted third quarter gross receipts filings based on the same interpretation that limited gross receipts to sales made to dispensaries located within Sparks. The next day, Silver State Trading agreed that its prior interpretation of its quarterly gross receipts obligation was incorrect. Based on that admission, Silver State Trading agreed to submit amended quarterly filings for the second and third quarters of 2018 and agreed to pay all outstanding licensing fees, with all applicable late penalties, by November 30, 2018. Silver State Trading also agreed that it would, in the future, report its full gross receipts based on all sales and would pay the proper corresponding quarterly licensing fees on time. The City Manager informed Silver State Trading that any failure to comply with these terms would result in the City taking the necessary steps to bring the matter before the City Council for proceedings to consider whether Silver State Trading's cultivation and production business licenses should be revoked.

Silver State Trading (SST) submitted revised quarterly filings for the second and third quarters of 2018 and paid all outstanding licensing fees (including late fees)

in November of 2018 as promised. However, when the City's Business Licensing office called Silver State Trading in late January of 2019 to set up a time to process their fourth quarter 2018 license fees, Silver State Trading informed the Business Licensing office that it would be unable to pay the quarterly fees by the January 30, 2018 deadline. A letter was sent to Silver State Trading on February 1, 2019 and the business submitted an answer. They are current on all business license fees and late fees as of this date.

The City Council must decide if the payment history is sufficient grounds to revoke Silver State Trading's cultivation and production licenses.

Public comment was opened at 3:47 p.m. John Sutton provided comments.

Silver State Trading CEO John Sutton provided comments to the Council during public comment. He stated he believed there was ambiguity in Nevada Revised Statute regarding State and City business license fees to be paid by marijuana businesses. He also commented on the lack of banking available to marijuana businesses and the inconveniences this results in. Mr. Sutton must pay his license fees in cash and transport the money to the City of Sparks. He provided an explanation of his missed payment appointment in January 2019, stating it was due to the federal regulatory codes and not because of lack of capital. He apologized and outlined the new process he implemented to avoid this situation in the future.

Councilmember Bybee expressed concern over the number of missed/late payments, including after an agreement had been reached in November 2018. She recommended not to revoke today, but if there are any future late payments, the revocation process would be executed. City Attorney Adams asked if there was a timeframe Council would find acceptable for no missed or late payments. Assistant City Attorney Sendall stated Sparks Municipal Code requires City Council decision within 10 days of the hearing. He recommended giving instructions to staff to bring the matter back before Council for any future missed or late payments, should Council choose not to revoke today. No motion would be made today. City Attorney Adams stated Mr. Sutton could waive his right to a decision within 10 days. He expanded suggesting there be a probationary period outlined by Council and if any payments were not made during that time, Mr. Sutton would waive his rights to the processes outlined by SMC and a hearing would be set at a City Council meeting for immediate revocation. The decision he is entitled to today would be deferred for one-year. He asked Mr. Sutton if he would agree to such terms. He asked if he could get the requirements in writing and agreed to the terms. City Attorney Adams stated the terms and conditions outlined will transfer to any CEO of Silver State Trading.

Council provided comments about late payments, paying on time and reasoning for deciding not to pay as SST had in previous quarters. Mr. Sutton provided explanation. Council agreed with probationary terms and warned businesses of any future self-interpretation of Sparks Municipal Code and failure to pay. Council also recommended auditing procedures for marijuana establishments.

Councilmember Bybee moved not to revoke the business licenses for Silver State Trading at this time, but rather to place them on probation for one-year. Any missed payments during that time will result in possible revocation. City Attorney Adams asked the waiver of a 10-day decision be added to the motion. The matter will be revisited in one year for a review. At this time, City Manager Krutz requested Council take a brief recess to allow the City Attorney to reword the motion.

Recess called at 4:15 pm.

Council reconvened and a new motion was made.

**Motion:** Based upon Silver State Trading knowing and voluntary waiver of rights of an order pursuant to SMC 5.80.110, I move to decline to revoke Silver State Trading's cultivation and production business licenses. The City Council shall hold this matter in abeyance for 12 months during which time Silver State Trading agrees to make all business license fee payments in full and on time, and the City Council reserves the right to reagendaize this matter at any time prior to the expiration of the 12 month period without going through the complaint and answer process described in SMC 5.08.110.a(c), in the event Silver State Trading fails to pay timely business license fees to the City of Sparks.

**Moved by:** Council Member Bybee

**Seconded by:** Council Member Dahir

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**10.2 PUBLIC HEARING, consideration and possible approval of the Program Year 5, Fiscal Year 2019-2020, Community Development Block Grant and HOME Consortium Annual Action Plan for submittal to the United States Department of Housing and Urban Development**

An agenda item from Housing Specialist George Graham requesting approval of Program Year 5, Fiscal Year 2019-2020, Community Development Block Grant (CDBG) and HOME Consortium Annual Action Plan for submittal to the United States Department of Housing and Urban Development. Funding is used to address housing needs, public services, and homelessness prevention under the objectives of a suitable living environment and decent housing. The 2019/2020 AAP allocates \$851,196, which is comprised of \$691,196 in new CDBG entitlement funding, approximately \$75,000 of rollover unspent funds from prior years, and \$85,000 of Program Income from the City's CDBG-funded housing rehabilitation loan program.

Public comment was opened at 4:36 p.m.; there was none.

**Motion:** Move to approve the Program Year 5, Fiscal Year 2019-2020, Community Development Block Grant and HOME Consortium

Annual Action Plan for submittal to the United States Department of Housing and Urban Development.

**Moved by:** Council Member Dahir

**Seconded by:** Council Member Abbott

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**10.3 SECOND READING, public hearing, discussion and possible adoption of Bill 2757, an ordinance amending Chapter 5.77 of the Sparks Municipal Code to amend sidewalk cafes, revise one definition, add a new definition, add a section to establish regulations for pour stations during special events, and other matters properly relating thereto.**

An agenda item from City Manager Neil Krutz and presented by Chief Assistant City Attorney Shirle Eiting requesting Council adoption of Bill 2757, an ordinance amending Chapter 5.77 of the Sparks Municipal Code to amend sidewalk cafes, revise one definition, add a new definition, add a section to establish regulations for pour stations during special events, and other matters properly relating thereto.

Council asked if revision to section 5.77.060 have been strongly communicated and that bars are aware, they must be part of an active special event in order to be compliant with the provisions surrounding pour stations. Mrs. Eiting did specify a meeting was held for public input and all entities in the area were present except for two; subsequent email communication was sent to ensure all participants in the area are aware of proposed revisions and definitions as well as ramifications of violations.

Public comment was opened at 4:41 p.m.; there was none.

**Motion:** Move to adopt Bill 2757 amending Chapter 5.77 of the Sparks Municipal Code to amend sidewalk cafes, revise one definition, add a new definition, add a section to establish regulations for pour stations during special events, and other matters properly relating thereto.

**Moved by:** Council Member Abbott

**Seconded by:** Council Member Anderson

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**10.4 SECOND READING, Public hearing, discussion, and possible adoption of Bill No. 2756, an Ordinance amending Title 12 of the Sparks Municipal Code by adding Chapter 12.42.020 to address the construction, installation, and operation of small wireless facilities within the City right-of-way, and providing other matters properly related thereto.**

An agenda item from City Engineer Jon Ericson and presented by Assistant City Attorney Brandon Sendall requesting Council adopt Bill No. 2756, an Ordinance amending Title 12 of the Sparks Municipal Code by adding Chapter 12.42.020 to address the construction, installation, and operation of small wireless facilities within the City right-of-way.

In addition, the City Council will be asked to consider the adoption of a Master License Agreement (MLA) with the various wireless service providers which will govern each provider's use of the right-of-way, including all applicable fees. Each wireless carrier will be required to enter into an MLA for the installation and operation of small wireless facilities on City-owned structures within the right-of-way. Building permits and any necessary street cut and/or encroachment permits will also be required for the installation of small wireless facilities.

Council asked if entities will be able to place new poles wherever they want based on FCC regulations or does the City get to help guide placement to avoid residential and undesirable locations. Mr. Sendall clarified there are minimum separation requirements between small cell locations to help minimize clustering and promote safety, however FCC regulations give a large amount of flexibility to licensees when choosing tower locations. Council questioned responsibility when it comes to manicuring towers on city or private property. Mr. Sendall noted this is an issue still being negotiated in master license agreements.

Public comment was opened at 4:52 p.m. Sparks resident Bill Wagner asked if towers will be next to homes as he has concerns about cancer exposure. Mayor Smith referred the question to the City Attorney, and Mr. Sendall noted code requires compliance with FCC interference and frequency requirements. Mr. Sendall also commented the FCC mandated if carriers operate within a certain frequency that is deemed safe then cities are not allowed to deny on that basis.

**Motion:** Move to adopt Bill No. 2756, an Ordinance amending Title 12 of the Sparks Municipal Code by adding Chapter 12.42.020 to address the construction, installation, and operation of small wireless facilities within the City right-of-way.

**Moved by:** Council Member Abbott

**Seconded by:** Council Member Bybee

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

## **11. Planning and Zoning Public Hearings and Action Items**

**11.1 SECOND READING, public hearing, discussion and possible action on Bill 2755, an ordinance amending Section 20.03.046, Wireless communication tower or antenna, of the Sparks Municipal Code, revising one definition and adding a new definition within Section 20.08.002, making administrative changes, adding a new section establishing regulations for small wireless**

**communication facilities located on private property, and providing other matters properly relating thereto.**

An agenda item from Community Services Director John Martini and presented by Development Services Manager Karen Melby requesting Council adopt Bill No. 2755, an ordinance amending Section 20.03.046, Wireless communication tower or antenna, of the Sparks Municipal Code, revising one definition and adding a new definition within Section 20.08.002, making administrative changes, adding a new section establishing regulations for small wireless communication facilities located on private property, and providing other matters properly.

The proposed amendments to Section 20.03.046 of the Zoning Code are to clarify its provisions, respond to updated FCC requirements regarding macro towers, and add regulations for small wireless facilities installed on private property.

Council Member Lawson sought clarification if residents can negotiate with a carrier directly to install a tower on their property, and also if this meant a carrier could place a tower next to a sidewalk in the easement portion of a right-of-way area without a lease agreement with the property owner. Mrs. Melby confirmed that to be true as long as the permitting process is followed. Carriers would likely negotiate a lease agreement with the property owner directly. Assistant City Manager John Martini commented if a design is constructed that would fit in the 2-foot right-of-way area mentioned, tower placement in that area would be an option since code cannot deny in a public right-of-way. Mr. Martini commented that the agreement was evaluated with the expectation that as the industry grows, trends, needs and concerns will be addressed. Council Member Lawson expressed objections and concern over private enterprise decisions and the ability to override a private property owner's preference of tower placement in a public right-of-way area.

Public comment was opened at 5:04 p.m.; there was none.

**Motion:** Move to adopt Bill 2755 amending Section 20.03.046, Wireless communication tower or antenna, of the Sparks Municipal Code, revising one definition and adding a new definition within Section 20.08.002, making administrative changes, adding a new section establishing regulations for small wireless communication facilities located on private property, and providing other matters properly relating thereto.

**Moved by:** Council Member Anderson

**Seconded by:** Council Member Bybee

**Yes:** Council Members Abbott, Lawson, Anderson, Bybee, Dahir

**No:** None

**Abstain:** None

**Vote:** Motion passed unanimously, 5-0.

**12. Comments**

**12.1 Comments from the Public**



Sparks Resident Bill Wagner provided public comment in opposition to proposed cell tower ordinances discussed.

**12.2 Comments from City Council and City Manager**

**13. Adjournment**

Council was adjourned at 5:07 p.m.

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Ronald E. Smith, Mayor

ATTEST:

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Lisa Hunderman, Acting City Clerk

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