



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

**SPARKS CITY COUNCIL SPECIAL MEETING MINUTES**  
**10:30 AM, Friday, November 9, 2018**  
**City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada**

**1. Call to Order (Time: 10:30 a.m.)**

The special meeting of the Sparks City Council was called to order by Mayor Geno Martini at 10:30 a.m.

**2. Roll Call (Time: 10:30 a.m.)**

Mayor Geno Martini, Council Members Donald Abbott, Ed Lawson, Ron Smith, Charlene Bybee (conference call), Kristopher Dahir (conference call), City Manager Steve Driscoll, Chief Assistant City Attorney Shirle Eiting and City Clerk Teresa Gardner, **PRESENT.**

ABSENT: None

**3. Opening Ceremonies**

**3.1 Invocation Speaker - None**

**3.2 Pledge of Allegiance (Time: 10:31 a.m.)**

The Pledge of Allegiance was led by Ron Smith.

**4. Public Comment (Time: 10:32 a.m.)**

Bryan Johnson spoke about the recent pedestrian accident near Reed High School. He provided a petition for better crosswalk lighting in the area.

**5. Agenda (Time: 10:33 a.m.)**

**5.1 CONSIDERATION, DISCUSSION, AND POSSIBLE APPROVAL OF COUNCIL MEMBER ABBOTT'S REQUEST TO RECONSIDER THE VOTE ON ITEM 9.10 OF THE OCTOBER 22, 2018 CITY COUNCIL AGENDA WHICH DIRECTED THE CITY ATTORNEY'S OFFICE TO PETITION THE APPROPRIATE COURT FOR JUDICIAL REVIEW AND OTHER APPROPRIATE LEGAL REMEDIES REGARDING THE REGIONAL PLANNING GOVERNING BOARD'S OCTOBER 11, 2018 DENIAL. (FOR POSSIBLE ACTION)**

Upon completion of the October 22, 2018 City of Sparks Council meeting, Council Member Abbott requested reconsideration of the direction to the City Attorney's Office to petition the appropriate court for judicial review and other appropriate legal remedies regarding the Regional Planning Governing Board's October 11, 2018 denial of the City of Sparks' proposed amendment

to the Regional Plan to relocate the existing regional utility corridor located on the Wildcreek Golf Course property.

City Manager Steve Driscoll provided an explanation to Council regarding item reconsideration. An item can be brought back for reconsideration by motion and vote of the Council. When the item is added to a new agenda, it is as if it were being heard for the first time.

A motion was made by Council Member Lawson, seconded by Council Member Abbott, to approve the request to reconsider the vote on item 9.10 of the October 22, 2018 City Council agenda and hear the item at today's special meeting. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

**5.2 Approval of the Agenda (FOR POSSIBLE ACTION) (Time 10:35 am)**

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 Lawson, to approve the agenda as submitted. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

**6. Minutes - None**

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

**8. Consent Items (FOR POSSIBLE ACTION) - None**

**9. General Business**

**9.1 Consideration and possible Council direction to the City Attorney's Office whether to appeal to the appropriate court for judicial review and/or seek other appropriate legal remedies regarding the Regional Planning Governing Board's October 11, 2018 denial of the City of Sparks' proposed amendment to the Regional Plan to relocate the existing regional utility corridor that crosses the Wildcreek Golf Course property located at 3500 Sullivan Lane (FOR POSSIBLE ACTION). (Time: 10.36 a.m.)**

An agenda item from Assistant City Attorney Brandon Sendall at the October 22, 2018 regular City Council meeting provided the Council with notice of the statutory deadlines to appeal the October 11, 2018 Regional Planning Governing Board denial of the proposed amendment to relocate the power line and requested direction on whether to petition the appropriate court for judicial review of the denial. During the public hearing on the proposed amendment, several members of the Governing Board may have based their denials on issues or concerns that were allegedly not appropriate for denying a proposed amendment and that may have been beyond the scope of the agenda item that was before the Governing Board.

On October 22, 2018 the Sparks City Council directed the City Attorney's Office to petition the appropriate court for judicial review and other appropriate legal remedies regarding the Regional Planning Governing Board's October 11, 2018 denial of the City of Sparks' proposed amendment

to the Regional Plan to relocate the existing regional utility corridor located on the Wildcreek Golf Course property by a vote of 4-1. Council Member Abbott requested reconsideration of the item.

Council discussed withdrawing the lawsuit as previously approved at the October 22, 2018 City Council meeting. Assistant City Attorney Brandon Sendall stated no lawsuit has been filed. The suit must be filed within 25 days; today is the last day to file. Council discussed the intention of the lawsuit. Chief Assistant City Attorney Shirle Eiting recommended an attorney/client legal brief to provide Council the opportunity to ask questions pertaining to the lawsuit. Recess was called (10:38 am).

The Council meeting reconvened at 11:03 a.m.

**Roll call:** (11:03 a.m.)

Mayor Geno Martini, Council Members Donald Abbott, Ed Lawson, Ron Smith, Charlene Bybee (conference call), Kristopher Dahir (conference call), City Manager Steve Driscoll, Chief Assistant City Attorney Shirle Eiting and City Clerk Teresa Gardner, PRESENT.

A motion was made by Council Member Smith, to approve the filing of the lawsuit. Motion dies for lack of a second.

A motion was made by Council Member Lawson, to withdraw direction to file the lawsuit and rely on our relationships with other governmental agencies to do the right thing. Council Member Lawson provided explanation of his motion stating they were being asked to approve a non-conforming use which is against of the Regional Planning Commission's bylaws. The item is scheduled to be re-heard at the December 6, 2018 Regional Planning Commission meeting.

Chief Assistant City Attorney Shirle Eiting stated the motion is not agendized, and Council Member Smith's motion died for lack of a second, therefore there will be no further action. Mrs. Eiting provided further explanation, stating because the motion died, the Council essentially gave direction not to file the lawsuit.

Council Member Bybee said, neither she nor Council Member Dahir were able to hear Council Member Lawson's motion or discussion due to technical difficulties. Chief Assistant City Attorney Shirle Eiting provided an explanation. Council Member Bybee said yes, they heard Council Member Smith's motion, but wanted to second the alternative motion provided by Council Member Lawson. Mrs. Eiting provided further explanation. Council Member Dahir asked if Council could provide direction to the City Attorney to file the lawsuit at a future date? Mrs. Eiting stated the Council can direct a lawsuit if the Regional Planning Commission takes some type of action on the item at the December 6, 2018 meeting.

**10. Public Hearing and Action Items Unrelated to Planning and Zoning - None**

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

**12. Comments**

12.1 **Comments from the Public** (Time: 11:09 a.m.) - None

12.2 **Comments from City Council and City Manager** (Time: 11:09 a.m.) - None

**13. Adjournment**

Council was adjourned at 11:09 a.m.

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Ronald E. Smith, Mayor

ATTEST:

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Teresa Gardner, City Clerk

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