



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., Monday, July 10, 2017
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.)

The invocation was provided by President Rajan Zed, Universal Society of Hinduism.

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

The Pledge of Allegiance was led by Council Member Charlene Bybee.

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

The following citizens provided public comment in opposition of the proposed school at Wildcreek Golf Course: Liz Griffin, Darlene Hesse, John Capurro, George E. Lee, Darla A. Lee, Ardena Perry, and Kathleen Shupp.

The public comment provided expressed concerns regarding increased traffic problems, flooding, noise and light pollution, costs of bussing students to and from the school, air traffic issues, and reduction of green open space and quality of life.

Ardena Perry also spoke in opposition of the Ordinance to license and permit the cultivation, production and sale of recreational marijuana. Ms. Perry is concerned that marijuana is a federal crime. She also spoke about the dangers of second hand smoke. A woman spoke anonymously about children's legal causes of action regarding the survival of domestic abuse and the courts destroying evidence. Kim Ciesynski provided an update on 39 North Downtown and the events that have been happening in downtown Sparks. She requested the amphitheater and back storage area be cleaned due to health concerns. Ms. Ciesynski read a letter from 39 North Downtown in

support of the marijuana industry. Gerard Mager and Geoff Staffelbach spoke opposing the Ordinance to license and permit the cultivation, production and sale of recreational marijuana. Dr. Shane Johnson spoke in favor of the Ordinance to license and permit the cultivation, production and sale of recreational marijuana.

5. Agenda (Time: 2:37 p.m.)

5.1 Approval of the Agenda (FOR POSSIBLE ACTION)

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

A motion was made by Council Member Lawson, seconded by Council Member Smith, to approve the agenda as submitted. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

6. Minutes (Time: 2:37 p.m.)

6.1 Consideration and possible approval of the minutes of the regular Sparks City Council meeting of June 26, 2017. (FOR POSSIBLE ACTION)

A motion was made by Council Member Lawson, seconded by Council Member Bybee, to approve the minutes of the regular Sparks City Council meeting on June 26, 2017. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

7. Announcements, Presentations, Recognition Items and Items of Special Interest (Time: 3:38 p.m.)

7.1 Proclamation: "Parks and Recreation Month" (Time: 2:38 p.m.)

Mayor Martini proclaimed July 2017 as "Parks and Recreation Month" acknowledging the importance of parks and recreation programs and recognizing the vital contributions of employees and volunteers. The proclamation was presented to Parks and Recreation Director Tracy Domingues.

7.2 Presentation: "Highlights and challenges within the Sparks Parks and Recreation Department" (Time: 2:45 p.m.)

Parks and Recreation Commission Chair Jack Byrom presented highlights of recent successes and challenges regarding youthwatch programming, special events, Golden Eagle Regional Sports Complex, and the Arts and Culture Advisory Committee.

8. Consent Items (FOR POSSIBLE ACTION) (Time: 2:55 p.m.)

A motion was made by Council Member Bybee, seconded by Council Member Smith, to approve consent items 8.1 through 8.6 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 June 8, 2017 through June 21, 2017. (FOR POSSIBLE ACTION)

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

8.2 Consideration and possible approval to purchase plant mix of an amount not to exceed \$70,000 during FY18 from multiple vendors, based on market conditions. (FOR POSSIBLE ACTION)

An agenda item from Public Works Manager Ron Korman recommending Council approve the purchase. Due to the volatile nature of the base ingredients in plant mix, (oil) and the limited local supply base, the city has historically been unable to secure a firm, fixed price via formal bidding for the materials at hand. Suppliers have generally been unable to hold prices beyond a 30-60-day period. Public Works Maintenance Division will make purchases on an as needed basis using a “quick quote” process. When the need arises, the division will solicit written quotes for needed quantities from the local plants that have the capacity and available supply to deliver per the city’s requirements. Individual purchase orders will then be generated to the lowest cost supplier. This process will meet the current city guidelines to seek multiple competitive quotes for individual purchases of less than \$50,000 (the current formal bid limit for commodities); multiple purchases will not exceed \$70,000 (cumulatively) for the balance of the fiscal year. Funds are budgeted in the road fund; there is no impact to the general fund.

8.3 Consideration and possible approval to purchase a 2017 Ravo 5 Street Sweeper from Municipal Maintenance Equipment in the amount of \$232,636.70. (FOR POSSIBLE ACTION)

An agenda item from Public Works Manager Ron Korman recommending Council approve the purchase to replace an existing Street Sweeper (vehicle 729B) which has come to the end of its useful service life. Funds are budgeted in the motor vehicle maintenance fund; there is no impact to the general fund.

8.4 Consideration and possible approval to purchase PC’s, notebooks, networking equipment, printers and storage not to exceed the approved Fiscal Year 2018 IT CIP budget of \$238,820 with Summit Partners LLC. or other vendors as needed from the NASPO ValuePoint Contract (formerly known as the Western States Contracting Alliance or WSCA). (FOR POSSIBLE ACTION)

An agenda item from IT Manager Steve Davidek recommending Council approve the purchase. As approved in the FY18 budget, IT has a limited number of projects planned, including scheduled refresh of certain servers, PCs, notebooks and tablets, adding additional disk space to the storage array, and other networking equipment. NRS Chapter 332.115(h) exempts computer hardware and software items from competitive bid. However, these purchases utilize the joinder provision allowed under NRS 332.195 and NASPO ValuePoint Contract (formerly known as the Western States Contracting Alliance or WSCA). Funds are budgeted in the IT CIP FY18 budget; there is no impact to the general fund.

8.5 Consideration and possible approval of a Final Map for The Foothills at Wingfield Village 11 - Phase 2 Subdivision. (FOR POSSIBLE ACTION)

An agenda item from City Engineer Jon Ericson recommending Council approve the final map as submitted. The Foothills at Wingfield Village 11 - Phase 2 final map will create 51 residential lots within The Foothills at Wingfield Springs New Urban District. The final subdivision map and improvement drawings have been checked and found to be technically correct, conforming to local ordinances and state law. The appropriate plan checking and inspection fees have been paid. There is no impact to the general fund.

8.6 Consideration and possible acceptance of the State of Nevada Office of the Attorney General Services-Training-Officers-Prosecutors (STOP) Violence Against Women Formula Grant in the amount of \$64,426 to fund the existing Victim Advocate Position (AC-5382). (FOR POSSIBLE ACTION)

An agenda item from Police Chief Brian Allen recommending Council accept the grant. In 2015, Adam Laxalt, the Attorney General of the State of Nevada, initiated a victim services pilot project grant program in Washoe County. The Sparks Police Department was invited to participate and was awarded \$46,369 in 2015 and \$64,459 in 2016 to fund 75 percent of the salary for a second victim advocate at the Sparks Police Department. This award will continue to fund 75 percent of the additional victim advocate's annual salary through June 30, 2018. There is a \$21,475 impact to the general fund.

9. General Business

9.1 Consideration, discussion and possible approval of payment of \$5,000 in membership dues to Western Nevada Development District (WNDD). (FOR POSSIBLE ACTION) (Time: 2:56 p.m.)

An agenda item from City Manager Stephen Driscoll recommending Council approve the payment for the annual dues for the city's membership for FY18. WNDD strives to promote and enhance collaboration towards the goal of the development of workforce and infrastructure for economic vitality. There is \$5,000 impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Lawson, to approve payment of \$5,000 to Western Nevada Development District. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.2 Consideration, discussion and possible appointment of an alternate member to the Regional Planning Governing Board for the remainder of a three-year alternate term (from the following pool of applicants listed in alphabetical order: Kristopher Dahir and Ron Smith.) (FOR POSSIBLE ACTION) (Time: 3:01 p.m.)

An agenda item from City Manager Stephen Driscoll recommending Council select the appointment to the Regional Planning Governing Board. There is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to appoint Kristopher Dahir as an alternate to the Regional Planning Governing Board, filling the remainder of a three-year term through January 30, 2019. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.3 Consideration and possible approval to purchase a 2014 Peterbuilt/Vac-Con truck from Atlantic Machinery/Municipal Maintenance Equipment in the amount of \$412,230. (FOR POSSIBLE ACTION) (Time: 3:02 p.m.)

An agenda item from Public Works Manager Ron Korman recommending Council approve the purchase. Mr. Korman pointed out that the agenda item has a typographical error. The purchase is for a 2017 truck, not a 2014 truck. The Vac-Con (vehicle 740 C) needing replacement is over 17 years old and the costs to maintain this truck have dramatically increased during the past several years. This equipment is used to maintain the city's infrastructure on a daily basis.

Staff considered what options would be beneficial to the city and determined a larger water tank capacity would mean less trips to fill up and a more efficient fan system would increase the versatility of this truck allowing Public Works Maintenance staff to more efficiently perform routine and emergency maintenance. Staff worked with the manufacturer to provide the most efficient machine to perform the work it needs to do. Funds are budgeted in the motor vehicle maintenance fund; there is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to approve the purchase of one 2017 Peterbuilt/Vac-Con truck from Atlantic Machinery/Municipal Maintenance Equipment in the amount of \$412,230. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.4 Consideration and possible approval of a professional services contract (AC-5383) to West Coast Code Consultants, Inc. for building permit plan review services, in an amount not to exceed \$332,000. (FOR POSSIBLE ACTION)
(Time: 3:05 p.m.)

An agenda item from Assistant Community Services Director Armando Ornelas recommending Council award the contract. The Building and Safety Division of the Community Services Department has experienced a steady increase in the number of applications for building permits. To provide timely building permit services to the development community, the use of outside plan checking services is needed to augment those provided by existing staff. The Building and Safety Division has been using the qualified professional services firm West Coast Code Consultants, Inc. West Coast Code Consultants, Inc. will provide plan review services on an as-needed basis. Funds are budgeted in the development services fund; there is no impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Bybee, to approve a professional services contract with West Coast Code Consultants, Inc. for building permit plan review services, for an amount not to exceed \$332,000. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.5 Consideration and possible approval of a professional services contract (AC-5384) to Charles Abbott Associates, Inc. for building permit plan review services, in an amount not to exceed \$144,000. (FOR POSSIBLE ACTION)
(Time: 3:09 p.m.)

An agenda item from Assistant Community Services Director Armando Ornelas recommending Council award the contract. The Building and Safety Division of the Community Services Department has experienced a steady increase in the number of applications for building permits. To provide timely building permit services to the development community, the use of outside plan checking services is needed to augment those provided by existing staff. The Building and Safety Division has been using the qualified professional services firm Charles Abbott Associates, Inc. Charles Abbott Associates, Inc. will provide plan review services on an as-needed basis. Funds are budgeted in the development services fund; there is no impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Abbott, to approve a professional services contract to Charles Abbott Associates, Inc. for building permit plan review services, for an amount not to exceed \$144,000. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.6 Consideration and possible approval of Impact Fee Agreement #26 with Pioneer Meadows Development, LLC to allow for participation and use of credits in Impact Fee Service Area Number 1 (AC-5385). (FOR POSSIBLE ACTION) (Time: 3:10 p.m.)

An agenda item from Community Services Director John Martini recommending Council approve the agreement. This agreement is entered into for the Impact Fee Service Area #1(IFSA#1) impact fee credit program. Impact Fee Agreement #26 is a master agreement that will allow Pioneer Meadows Development, LLC to participate in the impact fee program. This agreement has been reviewed by the Impact Fee administrator and the City Attorney's office and has been found acceptable. There is no impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Smith, to approve Impact Fee Agreement #26 with Pioneer Meadows Development, LLC as recommended by staff. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.7 Consideration and possible award of bid# 17/18-002 to Lehr Auto Electric to complete Emergency Vehicle up-fits on an as-needed basis for an initial contract period of 12 months, with mutually agreeable options for extension of up to 3 additional years. (FOR POSSIBLE ACTION) (Time: 3:13 p.m.)

An agenda item from Public Works Manager Ron Korman recommending Council award bid# 17/18-002 for the contract. During vehicle replacement, the city uses vendors to supply and/or install equipment in vehicles that are used in the Police and Fire Departments. Items may include lights, sirens, radios, antennas, equipment mounts and all other associated materials that are installed after purchase and delivery of the base vehicle to the city. The city completed a bid process to identify a vendor that would provide these services on an as-needed basis. There is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Abbott, to award Bid #17/18-002 for Emergency Vehicle Upfit to Lehr Auto Electric. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

9.8 Consideration, discussion and possible direction to the City Manager for possible amendments to Title 9 and Title 12 of the Sparks Municipal Code regarding principal park rules in Sparks. (FOR POSSIBLE ACTION) (Time: 3:15 p.m.)

An agenda item from Parks and Recreation Director Tracy Domingues recommending Council direct the City Manager to proceed with potential Sparks Municipal Code amendments to assist with enforcement and education of principal park rules. Signage with code is extremely helpful to refer to when Sparks Police are dispatched to assist with non-compliant park users or when the general public wishes to assist with rule enforcement. Upon approval of SMC revisions, staff will create new signage to be prominently displayed at park entrances. The first parks will be those with the highest volume of park users such as Golden Eagle Regional Park, Pah Rah Park, Shadow Mountain Park, Sparks Marina Park, and Deer Park with the eventual goal of signage at every park.

Current parks rules include:

Park Hours: 6:00 a.m. - 10:00 p.m.	SMC 12.24.030
Dogs must be on a leash	WCC 55.100

Pick up after your dog	WCC 55.130
Alcohol prohibited	SMC 5.28.165
Discharge of B-B guns prohibited	SMC 9.66.010
Discharge of firearms prohibited	SMC 9.66.020
Unauthorized motor vehicles prohibited	SMC 12.24.020
Excessive noise prohibited	SMC 12.24.080
Fires prohibited	SMC 12.24.050
Camping prohibited in city parks	SMC 12.24.040
Camping prohibited within 300' of river	SMC 9.48.030

Additional rules recommended for codification include the following:

Inflatables prohibited in city parks	Add to Section 12.24
Archery prohibited in city parks	Add to Section 12.24
Golfing prohibited in city parks	Add to Section 12.24
Organized sports prohibited without a permit in city parks	Add to Section 12.24
Metal Detectors prohibited without a permit in city parks	Add to Section 12.24
Unmanned aerial vehicles prohibited without a permit in city parks	Add to Section 12.24
Inflatables prohibited without a permit during special events	Add to Section 9.34

The addition of these recommended rules will contribute to a safer environment in our parks. There is no impact to the general fund.

A motion was made by Council Member Abbott, seconded by Council Member Bybee, to direct the City Manager to initiate amendments to the Sparks Municipal Code to include the proposed principal park rules. 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, consideration and possible approval of Resolution No. 3314, a Resolution authorizing the Financial Services Department to establish 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: 3:21 p.m.)

An agenda item from Accounting Manager Debi Kinder recommending Council approve the Resolution. 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 potentially violating NRS public hearing requirements. This Resolution will allow for interfund loan(s) to be made from the general fund to one or all the city's three grant funds to the extent that the grant funds would not suffer a 'negative' cash situation. There is no impact to the general fund.

Public Hearing was opened at 3:25 p.m.; no comments were received.

A motion was made by Council Member Lawson, seconded by Council Member Bybee, to approve Resolution No. 3314. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

10.2 Public Hearing, consideration and possible approval of Resolution No. 3315, a Resolution authorizing the Financial Services Department to establish an interfund loan to the General Fund from the Motor Vehicle Maintenance Fund of the City of Sparks as necessary for General Fund cash flow purposes. (FOR POSSIBLE ACTION) (Time: 3:25 p.m.)

An agenda item from Accounting Manager Debi Kinder recommending Council approve the Resolution. The Financial Services Department can manage cash flow more efficiently and effectively in accordance with Nevada law with the ability to issue short term interfund loans on an 'as needed' basis. The city pools the cash from all funds for investment purposes; however, NAC 354.290 states that if any single fund experiences negative cash, regardless of duration, the city would be deemed to have created an interfund loan in violation of NRS 354.6118. Specifically, NRS 354.6118 requires that a city wishing to make an interfund loan hold a public hearing to determine use and availability of funds and to establish a loan agreement. As payment outflows 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 in a more efficient manner without potentially violating NRS 354.6118. This Resolution allows for interfund loan(s) to be made from the motor vehicle maintenance fund to the general fund to the extent that the general fund would not suffer a 'negative' cash situation. There is no impact to the general fund.

Public Hearing was opened at 3:27 p.m.; no comments were received.

A motion was made by Council Member Dahir, seconded by Council Member Abbott, to approve Resolution No. 3315 authorizing an interfund loan to the general fund of the City of Sparks as necessary for general fund cash flow purposes. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

10.3 SECOND READING, Public Hearing, discussion and possible action on Bill No. 2719, an ordinance amending Title 5 of the Sparks Municipal Code (Sections 5.80.010 to 5.80.200 and adding 5.80.35, 5.80.55 and 5.80.195) to: license medical marijuana dispensaries to sell or dispense marijuana and marijuana-infused products at retail; license medical marijuana cultivation and production facilities to cultivate and produce marijuana and marijuana-infused products at retail; license independent testing laboratories to test marijuana and marijuana-infused products at retail; license distributors to transport marijuana and marijuana-infused products at retail; and other matters properly related thereto. (FOR POSSIBLE ACTION) (Time: 3:28 p.m.)

An agenda item from Assistant Community Services Director Armando Ornelas recommending Council approve and adopt the ordinance. The proposed ordinance amends Chapter 5 of the Sparks Municipal Code to permit the city to license, and impose associated fees for, existing Medical Marijuana Establishments to engage in "at retail" (i.e., non-medical or recreational) marijuana cultivation, production, testing and sales pursuant to a license issued by the State of Nevada under

the authority of Nevada Revised Statutes Chapter 453D. Bill No. 2719 also provides for the licensing of distributors to transport marijuana.

The license fees proposed for retail cultivation, production, sale and distribution of marijuana and marijuana-infused products are a one-time application fee of \$5,000 and, for each quarter based on the establishment's gross receipts for the previous quarter, an additional fee of three percent (3%). The additional three percent fee is the maximum amount the State of Nevada permits local governments to charge a retail marijuana establishment, as provided for in Senate Bill 487. Please note that Senate Bill 487 was passed by the Nevada legislature in 2017 and has been approved by Governor Sandoval. However, as of the date this staff report was prepared, implementation of SB 487 was pending the outcome of a legal challenge. Bill No. 2719 also proposes that marijuana independent testing laboratories pay the license fees applicable to other non-privilege business licenses in Sparks, as specified in Section 5.12.100 of the SMC.

Senate Bill 487 also stipulates that marijuana establishments need to designate their marijuana inventory as medical or retail. Marijuana inventory can be kept as a single inventory until the point of sale to the consumer. The proposed city Ordinance requires, however, that any marijuana establishment licensed by the State of Nevada as a marijuana establishment under the authority of NRS Chapter 453D (for retail marijuana) obtain a City of Sparks retail marijuana establishment license.

The medical marijuana industry has been operating for less than two years in Nevada. The operating history of Medical Marijuana Establishments (MMEs) in Sparks is limited. This makes it difficult to project city revenues and costs (for regulating and providing public services) resulting from the potential expansion of existing Sparks MMEs into "at retail" (a.k.a. non-medical or recreational) marijuana cultivation, production and sales. The proposed Ordinance also provides for the licensing of distributors to transport marijuana. The proposed business licensing fees will, however, at least partially offset the city's costs. Impact to the general fund is unknown.

Public Hearing was opened at 3:39 p.m. The following citizens spoke in opposition of passing the Ordinance: Ray Rocha, Gerard Mager, Jennifer Snyder, Geoff Staffelbach, Larry Osslund, and Cher Daniels.

The following citizens did not wish to speak but wanted to go on record in opposition of passing the Ordinance: R. Richard Franklin, Helene Franklin, George E. Lee, Darla A. Lee, Lea Maser, and Rebecca Gassa.

The public comment provided expressed concerns regarding marijuana still being illegal at the federal government, the increase in crime, accidents, cost of police, personnel costs, and risk to our children.

Will Adler of the Sierra Cannabis Coalition spoke in support of passing the Ordinance. Mr. Adler stated that marijuana is legal in Nevada as of January 1st; the Ordinance is not about making marijuana legal.

Public Hearing was closed at 3:57 p.m.

Council Member Bybee stated her concerns with the issues recreational marijuana use causes. Ms. Bybee also stated that her Ward voted no on the recreational marijuana and she represents her Ward. Council Member Dahir asked about the ability to enforce the law about use in public. Police Chief Allen said there are state and city codes in place and the police department will enforce the law. Council Member Lawson stated that his Ward did vote yes and he answers to his Ward. Council Member Smith stated he opposes but will also support the Ordinance according to the will of his constituents.

A motion was made by Council Member Abbott, seconded by Council Member Lawson. to approve and adopt Bill No. 2719, an ordinance amending Title 5 of the Sparks Municipal Code. Council Members Abbott, Lawson, Smith, YES. Bybee, Dahir, NO. Motion carried 3-2.

11. Planning and Zoning Public Hearings and Action Items

11.1 SECOND READING, Public Hearing, discussion and possible action on Bill No. 2720, an Ordinance amending Title 20 of the Sparks Municipal Code (Sections 20.03.25, 20.03.26 and 20.08.002) to: permit licensed medical marijuana dispensaries to sell or dispense marijuana, edible marijuana products and marijuana-infused products at retail; permit licensed independent testing laboratories and medical marijuana production and cultivation facilities to test, produce and cultivate marijuana, edible marijuana products and marijuana-infused products at retail; and other matters properly related thereto. (CA-2-17) (FOR POSSIBLE ACTION) (Time: 4:14 p.m.)

An agenda item from Development Services Manager Karen Melby recommending Council approve and adopt the Ordinance. Title 20 Zoning Code is being amended to permit licensed medical marijuana dispensaries to sell or dispense marijuana, edible marijuana products and marijuana-infused products at retail; permit licensed independent testing laboratories and medical marijuana production and cultivation facilities to test, produce and cultivate marijuana, edible marijuana products and marijuana-infused products at retail.

On May 8, 2017, the Tax commission adopted temporary regulations that will allow existing Medical Marijuana Establishments (MMEs) that are in good standing with the State of Nevada to apply for a temporary license to sell, manufacture, cultivate or produce non-medical marijuana. Existing MMEs can apply to the Department of Taxation (Department) by May 31, 2017 for a temporary license. The Department has indicated its intention to approve MMEs to begin cultivating, processing, testing and distributing and selling non-medical marijuana on July 1, 2017. The Department is using the term “marijuana establishment” to refer to such businesses.

Title 20 does not include (non-medical) Marijuana Establishments as a permitted use in any of Sparks’ zoning districts. On April 10, 2017, the Sparks City Council directed the City Manager to prepare, for future City Council consideration, amendments to Title 20 to permit existing MMEs in Sparks to be approved as marijuana establishments, which city staff are referring to as “at retail” marijuana establishments. On that date, the City Council also directed the City Manager to prepare amendments to Title 5 to enable the city to license existing MMEs for at retail operations.

It is anticipated that the Department will publish the permanent regulations by the end of 2017. The City Council can then decide if they want to again amend the Sparks Municipal Code to allow

businesses other than the existing medical marijuana establishments to grow, produce or sell at retail marijuana.

On June 1, 2017, the Planning Commission conducted a public hearing on CA-2-17. The Planning Commission recommended that the City Council approve the amendment to Title 20. There is no impact to the general fund.

Public Hearing was opened at 4:18 p.m. Public comment was received by the following citizens who spoke in opposition of the proposed ordinance and against the Council's previous vote: Gerard Mager and Ray Rocha.

Public Hearing was closed at 4:20 p.m.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to adopt Bill No. 2720 amending Title 20 of the Sparks Municipal Code. Council Members Abbott, Lawson, Smith, YES. Bybee, Dahir, NO. Motion carried 3-2.

12. Comments

12.1 Comments from the Public (Time: 4:21 p.m.)

None.

12.2 Comments from City Council and City Manager (Time: 4:21 p.m.)

City Manager Driscoll announced that due to a resignation there is an opening on the Sparks Planning Commission for 1 member, the term is for the remainder of the vacancy to December 31, 2018. Applications will be received until close of business on July 14, 2017. Mr. Driscoll introduced the new Community Relations Manager Julie Duwel and highlighted a few of the functions she will be performing.

13. Adjournment

Council was adjourned at 4:24 p.m.

GENO R. MARTINI, Mayor

ATTEST:

Teresa Gardner, City Clerk

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