



MAYOR
Geno Martini

CITY COUNCIL
Julia Ratti, Ward I
Ed Lawson, Ward II
Ron Smith, Ward III
Mike Carrigan, Ward IV
Ron Schmitt, Ward V

CITY ATTORNEY
Chet Adams

REGULAR CITY COUNCIL MEETING MINUTES

2:00 P.M., Tuesday, November 12, 2013

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 Pro Tem Mike Carrigan at 2:00 p.m.

2. Roll Call (Time: 2:01 p.m.)

Mayor Pro Tem Mike Carrigan, Council Members Julia Ratti, Ed Lawson, Ron Smith, Ron Schmitt, City Manager Shaun Carey, Sr. City Attorney Shirle Eiting and City Clerk Teresa Gardner, PRESENT.

ABSENT: Mayor Geno Martini

Staff Present: Tom Garrison, Brian Allen, Jeff Cronk, Armando Ornelas, Jim Rundle, Mike Drinkwater, Neil Krutz, Adam Mayberry, Steve Driscoll, John Martini, Tracy Domingues, Donna DiCarlo, Wendy Chavez, Tim Thompson, Rosalba Arango.

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

The invocation was provided by Pastor Barb West, Sparks Church of the Nazarene.

Pledge of Allegiance (Time: 2:04 p.m.)

The Pledge of Allegiance was led by Council Member Smith.

Comments from the Public (Time: 2:04 p.m.) - None

Approval of the Agenda (Time: 2:05 p.m.)

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

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

3. Recommendation to Approve Minutes of October 28, 2013 (Time: 2:05 p.m.)

3.1 Consideration and possible approval of the minutes of the regular Sparks City Council Meeting for October 28, 2013

A motion was made by Council Member Schmitt, seconded by Council Member Ratti, to approve the minutes of the Regular Meeting of October 28, 2013 as outlined by staff. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

4. Announcements, Presentations, Recognition Items and Items of Special Interest (Time: 2:05 p.m.)

4.1 Proclamation: "Pancreatic Cancer Awareness Month" (Time: 2:05 p.m.)

Council Member Julia Ratti read Mayor Geno Martini's proclamation naming November 2013 as Pancreatic Cancer Awareness Month and called on the National Cancer Institute to develop scientific frameworks for pancreatic cancer and to make true progress against cancer diseases.

4.2 Presentation of the Sparks Middle School Compassion Fund (Time: 2:07 p.m.)

The Community Foundation of Western Nevada's President & CEO Chris Askin provided an update on the SMS Compassion Fund which was created to enable caring citizens to make charitable contributions to support the victims of the Sparks Middle School shooting. 100% of the gifts received will be distributed to support the needs of the victims.

Senior Planner Jim Rundle introduced Community Foundation of Western Nevada President Chris Askin, who described the history of the Foundation and how they work with various endowments. The Foundation's Chief Philanthropy Officer Tracy Turner, provided details of the Sparks Middle School Compassion Fund.

Council Member Ratti chaired the committee that oversaw the receiving and distribution of the gifts. She thanked the community for their generosity and the Community Foundation and Mr. Rundle for the quick, responsible and sympathetic work done in response to the event.

5. Consent Items (Time: 2:18 p.m.)

A motion was made by Council Member Smith, seconded by Council Member Lawson, to approve the consent items as submitted. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

5.1 Report of Claims and Bills approved for payment and appropriation transfers for the period October 10, 2013 through October 23, 2013. (FOR POSSIBLE ACTION) (FOR POSSIBLE ACTION)

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

5.2 Consideration and possible approval of a Reversion to Acreage Map for Galleria Station Unit 2 (Lewis Investment Company of Nevada, LLC.) (FOR POSSIBLE ACTION)

An agenda item from Assistant Community Services Director John Martini recommending Council approve the reversion to acreage map as submitted. Lewis Investment Company of Nevada, LLC has submitted a reversion to acreage map for Galleria Station Unit 2, located east of Galleria Parkway and south of Los Altos Parkway to revert the property to a single parcel to

allow for a future final map application in compliance with the Galleria Station Planned Development handbook. The reversion to acreage map has been reviewed by the Community Services Department and has been found to be technically correct, conforming to local ordinances and state law. The appropriate plan checking fees have been paid. A performance bond is not required to be filed with the City Clerk as no public improvements are associated with this map. There is no impact to the general fund.

5.3 Consideration and possible approval of an amendment to agreement, A-3564, awarded to CDM-Smith by the City of Reno. Sparks' share to be reimbursed to the City of Reno is \$86,013.40 for engineering services in support of Phase II improvements to the electrical system at Truckee Meadows Water Reclamation Facility (TMWRF). (FOR POSSIBLE ACTION)

An agenda item from TMWRF Plant Manager Mike Drinkwater recommending Council approve Sparks' additional share of the contract between the City of Reno and CDM-Smith for a contract amendment to provide design and consulting services for the Phase II electrical upgrades at TMWRF. Electrical upgrades are required to ensure compliance with the Environmental Protection Agency permit and for the health and safety of plant personnel. There is no impact to the general fund.

6. General Business

6.1 Consideration and possible acceptance of a Traffic Safety Grant to participate in the State of Nevada Office of Traffic Safety 2014 Joining Forces program. (FOR POSSIBLE ACTION) (Time: 2:18 p.m.)

An agenda item from Police Chief Brian Allen recommending Council accept the \$134,800.00 grant to participate in the 2014 Joining Forces program. The State of Nevada Department of Public Safety, Office of Traffic Safety has offered the Sparks Police Department a grant in the amount of \$134,800.00 to pay officer overtime costs to allow the Sparks Police Department to participate in the 2014 Joining Forces program. This program includes 15 special traffic enforcement events over the course of the Federal Fiscal Year concluding September 2014. There is no impact to the general fund.

Council Member Ron Smith asked if there was a grant match, to which Chief Allen responded there is not.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to approve and accept the \$134,800 grant from the State of Nevada Department of Public Safety, Office of Traffic Safety to participate in the 2014 Joining Forces program. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

6.2 Discussion and possible action on Resolution No. 3248 supporting The Marketplace Fairness Act (FOR POSSIBLE ACTION) (Time: 2:20 p.m.)

An agenda item from Community Relations Manager Adam Mayberry recommending Council approve Resolution No. 3248 supporting The Marketplace Fairness Act. This agenda item allows the Mayor and City Council to publically discuss and take action to possibly support and encourage members of the Nevada Congressional Delegation to support the Marketplace Fairness Act to even the playing field for local businesses by allowing individual states the authority to streamline their sales tax laws and collect sales taxes directly from online retailers.

Additionally, this item also allows the Council to include the Marketplace Fairness Act in the City's federal legislative platform. There is no impact to the general fund.

Community Relations Manager Adam Mayberry provided background on the Marketplace Fairness Act. He said the Act is tied to the economic development priority and is a new item to come before this body. Council Member Carrigan thought this issue to be an appropriate topic for the council to discuss, wherein all catalog and internet purchases will charge Nevada state sales tax. Mr. Mayberry said the Nevada League of Cities supports this legislation.

Council Member Mike Carrigan asked what percent sales tax would be used in Nevada since the sales tax is different in every county. Financial Services Director Jeff Cronk responded that the sales tax rates, which vary by county, would likely be the rate charged and that is an onerous issue for small online retailers. Mr. Carrigan asked if would be prudent for the Council to bring the issue of one statewide online sales tax rate for Internet and catalog sales to the Nevada legislature for consideration in making the tax collection process easier for businesses. Mr. Cronk said he believed it would be a difficult issue because all the counties are unique.

Council Member Ron Schmitt said huge revenues are derived from cargo and asked Mr. Mayberry if the airport authority has looked at the potential loss of revenue to the airport based on sales taxes. Mr. Schmitt said there was much more to consider then just sales tax revenues. He asked the Council to consider the possible affect on fuel taxes, employment taxes, warehousing and issues besides the potential gain to the city in the form of sales tax revenues.

Council Member Julia Ratti said the increased sales tax collected would be important to Sparks in support of "Buy Local" campaigns and principles in fairness and equity in taxing. She said she supports this effort.

Council Member Ron Smith said that being in retail, the level playing field is important for everyone.

Council Member Ed Lawson said this issue makes sense because we can bring in merchandise as a free port and not pay tax until goods are assembled and sold.

Public Comment:

- Retail Association of Nevada Senior Director of Government Affairs for Grocery and General Merchandise Lea Tauchen spoke in support of the Marketplace Fairness Act.
- Director of Government Relations at Reno Sparks Chamber of Commerce Tray Abney spoke in support of the Marketplace Fairness Act.

A motion was made by Council Member Ratti, seconded by Council Member Lawson, to endorse Resolution No. 3248 in support the Marketplace Fairness Act and include the Marketplace Fairness Act in the City's federal legislative platform. Council Members Ratti, Lawson, Smith, Carrigan, YES. Council Member Schmitt, NO. Motion carried 4-1.

6.3 FIRST READING and possible discussion of CA-2-13 Bill No.2664, an ordinance amending Chapter 20 of the Sparks Municipal Code; to add Chapter 20.05.1305 defining quantitative requirements; amending Chapter

20.070.020 to revise criteria associated with minor deviations; and adding a new Section 20.09 titled “major deviation,” including the process, application requirements and findings to allow, in certain circumstances, deviations up to fifty percent (50%) from a quantitative standard; providing other matters properly related thereto. (Time: 2:37 p.m.)

An agenda item from Senior Planner Karen Melby recommending the City Clerk read the First Reading of Bill No. 2664 by title and publish notice of a second reading and public hearing of Bill No. 2664 for its possible adoption on November 25, 2013. There is no impact to the general fund.

City Clerk Teresa Gardner read Bill No. 2664 by title. Mayor Pro Tem Mike Carrigan announced the second public hearing of this bill is scheduled for November 25, 2013.

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

7.1 Consideration and possible approval of the abandonment of an approximate 12 foot by 30 foot portion of the south side of the Disc Drive right of way adjacent to Parcel 4, Parcel Map 4978, which is the 8th parcel map for Sparks Galleria Investors, LLC and granted to the City pursuant to Dedicated Tract Map No. 4340, as recorded May 12, 2004. (FOR POSSIBLE ACTION) (Time: 2:38 p.m.)

An agenda item from Assistant Community Services Director John Martini recommending Council approve the abandonment of the approximate 12 foot by 30 foot portion of Disc Drive right of way. The width of road right of way on Disc Drive is 112 feet. The owner of Signage Easement Document No. 3239437 has requested the abandonment of approximately 12 feet by 30 feet adjacent to his existing property. The property requested for abandonment is located behind the existing curb line and behind the sidewalk. Through an ALTA survey the owner discovered a portion of his approved signage was actually located on City right of way. This proposed abandonment will resolve the signage issue. There is no impact to the general fund.

Council Member Ron Schmitt asked if the sign was built on plans submitted to the City or did the City miss something on the first go-around. Mr. Martini presented a diagram showing the location for the submitted plan versus the actual location of the sign.

Public Hearing Comments - None

A motion was made by Council Member Schmitt, seconded by Council Member Ratti, to approve the vacation of a portion of Disc Drive as outlined by staff. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

8. Planning and Zoning Public Hearings and Action Items

8.1 PCN13018, Consideration and possible approval of a Tentative Map request for a 42-lot single family residential subdivision on a site approximately 12.5 acres in size in the NUD (New Urban District) zoning district located at the northwest corner of the intersection of Mesa Meadows Drive and El Cap Court, Sparks, NV. (FOR POSSIBLE ACTION) (Time: 2:42 p.m.)

An agenda item from Senior Planner Tim Thompson recommending Council approve a tentative map request for The Pinnacles, a 124-lot single family residential development, was originally

approved by the City Council on November 22, 2004 (PCN04054.) Two final maps were subsequently recorded. Phase 1 was recorded in March of 2006 with 45 lots; Phase 2 was recorded in September 2006 with 37 lots. At the time, Nevada Revised Statutes required subsequent final maps to be recorded within one year of recordation of the previous map. Because a final map was not recorded for the remaining lots (Phase 3) within that time frame, the tentative map expired. There is no impact to the general fund.

Senior Planner Tim Thompson presented the Kiley Ranch South planned development known as The Pinnacles. Council Member Ron Smith asked Mr. Thompson to point out Sparks Boulevard in relation to the project. Council Member Ed Lawson asked where the North Truckee Drain is located in relation to the project. Mr. Thompson referred to the locations on a diagram.

Council Member Ron Schmitt asked if there are any substantial changes in the map, or is this just a re-file? Mr. Thompson said this action is a re-file. Currently two builders are completing Phases 1 and 2 and he anticipates up to three builders will work on and complete Phase 3.

Public Hearing Comments - None

A motion was made by Council Member Schmitt, seconded by Council Member Ratti, to approve the tentative map associated with PCN13018 adopting findings T1 through T12 and the facts supporting these Findings as set forth in the staff report and subject to the Conditions of Approval 1 through 19, as listed in the Planning Commission staff report. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

8.2 PCN13019, City of Sparks, SECOND READING and possible discussion of Bill No. 2662, an ordinance for a voluntary annexation request by MNST Family Trust, in accordance with the City of Sparks 7-year annexation program, for three parcels totaling approximately 2.6 acres in size located at 1990 Country Circle, Sparks, NV. Upon annexation the parcels shall convert from the Washoe County zoning designation of A5 (Agriculture) to a City of Sparks zoning designation of A-5 (Agriculture). (FOR POSSIBLE ACTION) (Time 2:47 p.m.)

An agenda item from Senior Planner Jim Rundle recommending Council approve the PCN13019 annexation of the three parcels into the City of Sparks. Senior Assistant City Attorney Rosalba Arango acted as legal counsel on the dais during this item. This request by MNST Family trust is to annex a site approximately 2.6 acres in size into the City of Sparks. This area is generally referred to as the "Shadow Mountain Island" and currently exists as a County Island. The request for annexation is 100% voluntary. Staff made all of the findings and recommended approval to the Sparks Planning Commission. At its October 3, 2013 meeting, the Sparks Planning Commission voted to forward a recommendation of approval to the Sparks City Council. There is no impact to the general fund.

Public Hearing Comments - None

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to adopt Bill No. 2662 and approve the Annexation request associated with PCN13019 to Annex approximately 2.6 acres into the City of Sparks based on findings A1 through A3 and the facts

supporting these findings as set forth in the staff report. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

8.3 Public Hearing, SECOND READING, discussion and possible action of CA-3-13 Bill No. 2663, an ordinance amending Title 20.43 of the Sparks Municipal Code to increase the size of accessory structures requiring a building permit from 120 square feet to 200 square feet and other matters properly related thereto. (FOR POSSIBLE ACTION) (Time 2:51 p.m.)

An agenda item from Senior Planner Jim Rundle recommending Council approve CA-3-13. Recently the City of Sparks updated its code by adopting the 2012 International Building Code. The adoption of the new building code has created an inconsistency with the Zoning Code regarding accessory structures (e.g. sheds) and when a building permit is required. This amendment would reestablish consistency between the building and zoning code. The Planning Commission unanimously forwarded a recommendation of approval at the October 3, 2013 meeting. There is no impact to the general fund.

Public Hearing Comments - None

A motion was made by Council Member Smith, seconded by Council Member Lawson, to adopt Bill No. 2663 amending Title 20 of the Sparks Municipal Code to increase the size of accessory structures requiring a building permit from 120 square feet to 200 square feet. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

9. Closed Door Sessions - None

10. Comments

10.1 Comments from the Public (Time: 2:54 p.m.) - None

10.2 Comments from City Council and City Manager (Time: 2:54 p.m.)

Council Member Ron Smith said he receives numerous complaints about the dead trees on the medium on Sparks Boulevard. The medium is owned by Kiley Ranch. Mr. Smith suggested the City reach out to Kiley Ranch and provide two weeks to take care of the problem or the City should clean up the medium and invoice Kiley Ranch for the work.

Deputy City Manager for Community Services Neil Krutz said City crews will be out in the community as soon as all the parks are shut down. Dead trees will be replaced with new. When in those areas, particularly in the Kiley Ranch area, the city will cut the trees at ground level to remove the eye sore.

11. Adjournment (Time: 2:56 p.m.)

Council was adjourned at 2:56 p.m.

ATTEST:

GENO R. MARTINI, Mayor

Teresa Gardner, City Clerk

>>>