



MAYOR
Geno Martini

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

CITY ATTORNEY
Chet Adams

REGULAR CITY COUNCIL MEETING MINUTES

2:00 P.M., Monday, May 11, 2015

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: 2:01 p.m.)

Mayor Geno Martini, Council Members Julia Ratti, Ed Lawson, Ron Smith, Charlene Bybee, Ron Schmitt, City Manager Steve Driscoll, City Attorney Chet Adams and Acting City Clerk Carrie Brooks, PRESENT.

ABSENT: None

3. Opening Ceremonies

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

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

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

The Pledge of Allegiance was led by Boy Scout Timothy Quinlan.

4. Public Comment (Time: 2:02 p.m.) – None

Dick Bartholet of the Nevada Small Business Center at UNR commented that there are many opportunities to start a business with training and the development of business plans. They would like the opportunity to meet with, assist and support citizens of Sparks to start new businesses. Mayor Martini stated this is one of the best resources for the business community.

David Pearson said he runs an outdoor swap meet that is open on weekends only and he wants to open an indoor swap meet, which is currently not allowed. It was recommended by Council that the City Manager should look into this once more information has been provided. Mayor Martini stated city staff would be in touch with him and asked for his contact information.

5. Approval of the Agenda (Time: 2:10 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 Ratti, seconded by Council Member Schmitt, to approve the agenda as submitted. Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

6. Approval of the Minutes (Time: 2:11 p.m.)

6.1 Consideration and possible approval of the minutes of the regular Sparks City Council meeting on April 27, 2015 and the minutes of the Sparks City Council Workshop on April 27, 2015. (FOR POSSIBLE ACTION)

A motion was made by Council Member Smith, seconded by Council Member Ratti, to approve the minutes of the regular Sparks City Council meeting on April 27, 2015 and the minutes of the Sparks City Council Workshop on April 27, 2015. Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

7. Announcements, Presentations, Recognition Items and Items of Special Interest (Time: 2:11 p.m.)

7.1 Proclamation: "Kids to Parks Day" (Time: 2:12 p.m.)

Mayor Martini proclaimed Saturday May 16, 2015 as "Kids to Parks Day" and urged residents of Sparks to make time on May 16, 2015 to take the children in their lives to a neighborhood, state or national park. The proclamation was read by Council Member Ratti and presented to Parks and Recreation Director Tracy Domingues.

7.2 Proclamation: "Nevada Wildfire Awareness Month" (Time: 2:13 p.m.)

Mayor Martini proclaimed May 2015 as "Nevada Wildfire Awareness Month" and called for the residents of Sparks to educate themselves and take action to reduce the wildfire threat to their homes and help their community move toward becoming a "Fire Adapted Community". The proclamation was read by Council Member Lawson and presented to Sonya Sistare of the UNR Cooperative Extension along with Sparks Fire Division Chief Andy Koski.

7.3 Proclamation: "W.R. Adams and Son Jewelers Day" (Time: 2:18 p.m.)

Mayor Martini proclaimed May 11, 2015 as "W.R. Adams and Son Jewelers Day" and wished this long-standing Sparks business a Happy Centennial Birthday and its owners a happy and healthy retirement. The proclamation was presented by Mayor Martini to Mario Frugoli and Marsha Adams-Frugoli.

7.4 Proclamation: "Sparks Heritage Museum and Cultural Center Day" (Time: 2:21 p.m.)

Mayor Martini proclaimed May 15, 2015 as "Sparks Heritage Museum and Cultural Center Day" and called upon all citizens of Sparks and Washoe County to support this organization and its dedicated staff and volunteers to foster the preservation of the cultural heritage and history of

Sparks, the Truckee Meadows, and Northern Nevada. The proclamation was read by Council Member Bybee and presented to the President of the Board of Trustees Dr. Richard Simmons.

7.5 Proclamation "National Police Officer's Week" (Time: 2:25 p.m.)

Mayor Martini proclaimed May 10 - 16, 2015 as "National Police Officer's Week" and urged citizens to join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities. Mayor Martini also called upon citizens of Sparks to observe May 15, 2015, as Police Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes. The proclamation was read by Mayor Martini and presented to Police Chief Brian Allen along with Detective Shawn Congdon, V.P. of the Sparks Police Protective Association.

7.6 Commendation: Emeka Ani and Patricia MacDonald of High Sierra Industries. (Time: 2:34 p.m.)

Mayor Martini commended Mr. Emeka Ani and Ms. Patricia MacDonald for the dedication and lifesaving skills they persistently employed to save the life of another. The Commendation was read by Council Member Smith and presented to Mr. Emeka Ani and Ms. Patricia MacDonald.

8. Consent Items (For Possible Action) (Time: 2:38 p.m.)

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

8.1 Report of Claims and Bills approved for payment and appropriation transfers for the period April 9, 2015 through April 22, 2015. (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, review and acceptance of the receipt of grant and/or donation money which is individually under \$5,000. (FOR POSSIBLE ACTION)

An agenda item from Accountant Rick Parton recommending Council accept grant awards and/or donations less than \$5,000 via a staff report which details the receipt of such grants and donations.

8.3 Consideration and possible approval for the City Council to accept a State Emergency Response Commission (SERC) 2015 Hazardous Materials Emergency Preparedness (HMEP) Training grant in the amount of \$18,047.05 for the training of Hazardous Material Team members. (FOR POSSIBLE ACTION)

An agenda item from Fire Chief Tom Garrison recommending Council accept the grant award. The Regional Hazardous Materials Response Team (RHMRT) applied for the grant in April 2015. The RHMRT membership consists of fire personnel from the Reno Fire Department,

Sparks Fire Department, and the Truckee Meadows Fire Protection District. This grant will be used to reimburse those team members who attend the Continuing Challenge Hazmat Conference, to be held in Sacramento, California, on September 8-11, 2015. Total grant award is \$18,047.00, with Sparks Fire Department's portion being approximately 40% of the total. No matching funds are required.

8.4 Consideration and possible approval of an application for a Gaming license for Blitzed LLC, dba Blitz Bar and Grill located at 400 S. Rock Blvd., Sparks, NV submitted Ms. Alexa Gail Carney. (FOR POSSIBLE ACTION)

An agenda item from Police Chief Brian Allen recommending Council approve Ms. Alexa Gail Carney's application contingent upon the location being inspected and approved by every city, county, district, and state agency having jurisdiction over the matter and upon fingerprints being returned from the FBI that do not reflect any disqualifying arrests/convictions. There is an estimated \$1200 revenue.

9. General Business

9.1 Consideration and possible approval of the Agreement to Abrogate, Extinguish and Terminate Declaration of Covenants, Conditions, Restrictions and Easements for Victorian Square. (FOR POSSIBLE ACTION) (Time: 2:29 p.m.)

An agenda item from City Planner Armando Ornelas recommending Council approve the agreement. The Declaration of Covenants, Conditions, Restrictions and Easements for Victorian Square ("CC&Rs") were adopted on February 7, 1997 by the City of Sparks. They apply to certain parcels within the Victorian Square project area. The CC&Rs have not been amended or rescinded, and no longer serve their intended purpose.

Abrogation (i.e., repeal or nullification) of the CC&Rs at any time, regardless of completion status, requires a written and recorded instrument approved by at least seventy-five percent (75%) of the property owners subject to the CC&Rs. Wolfhound Holdings and the Redevelopment Agency jointly hold sufficient votes (over 80%) to enable the City Council to abrogate, extinguish and terminate the CC&Rs. Wolfhound Holdings has granted approval.

The Redevelopment Agency granted approval, and recommended the City Council approve the Agreement to Abrogate, Extinguish and Terminate Declaration of Covenants, Conditions, Restrictions and Easements for Victorian Square. There is no impact to the general fund.

A motion was made by Council Member Ratti, seconded by Council Member Bybee, to approve the Agreement to Abrogate, Extinguish and Terminate Declaration of Covenants, Conditions, Restrictions and Easements for Victorian Square. Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

9.2 PCN15003, Consideration and possible action on a Tentative Map (Fountainhouse at Victorian Square) request to allow for a 238 air space condominium parcel of which 9,230 square feet is commercial space on a site currently comprised of 8 parcels totaling approximately 4.4 acres in size (including public right-of-way to be abandoned) in the TOD (Transit

Oriented Development – Downtown/Victorian Square) zoning district generally located north of Victorian Avenue, west of 14th Street, south of Victorian Plaza Circle and east of 13th Street in Sparks, Nevada. (FOR POSSIBLE ACTION) (Time: 2:42 p.m.)

An agenda item from Senior Planner Karen Melby on behalf of Silverwing Development recommending Council approve a tentative map for a 238 air space condominium parcel including two mixed-use buildings. The applicant is proposing to construct ten multi-family buildings and two mixed-use buildings with 9,230 square feet of commercial retail restaurant space and 16 multi-family units on the second floor on properties totaling 4.4 acres located north of Victorian Avenue, west of 14th Street, south of Victorian Plaza Circle and east of 13th Street. Condition #7 was re-worded and Ms. Melby asked Council to approve the new wording. There is no impact to the general fund.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve the Fountainhouse at Victorian Square Tentative Map associated with PCN15003 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 9 as listed in the staff report, including the amendment to Condition #7, as presented by staff. Council Members Ratti, Lawson, Smith, Bybee, Schmitt. YES. Passed unanimously.

9.3 Consideration, discussion and possible rejection or affirmation of bid protest concerning City of Sparks Bid #14/15-017 – 2015 Permanent Patch (FOR POSSIBLE ACTION) (Time: 2:47 p.m.)

An agenda item from Contracts & Risk Manager Dan Marran recommending the City Council reject the protest made by Vega Asphalt Paving. The City of Sparks received seven bids for the 2015 Permanent Patch (Bid #14/15-017). The bidder that provided the lowest bid price at the time of bid submittals has filed a formal protest with the city concerning city staff's determination that their bid was "non-responsive" to the bid document issued by the city. Six of the seven bids received by the city were found to be non-responsive due to their failure to include relevant pricing information required in the Special Conditions section of the bid document. Due to the specific language in the relevant section of the bid, city staff believes there was no choice but to determine the bid supplied by Vega Asphalt Paving was non-responsive, and therefore could not be considered in the final ranking or evaluation of bids. There is no relevant cost to the hearing of the protest being offered.

Chris Rusby, attorney for Vega Asphalt Paving, reviewed their protest and noted their bid was \$16,000 less than the other bidders. Mr. Rusby asked Council to approve the protest.

Darcy Carpenter and John Bralic of Sierra Nevada Construction spoke regarding why they felt the city should reject the protest and follow staff's recommendation to award the bid to SNC.

City Attorney Chet Adams stated if a bidder fails to submit required documents, regardless of whether they are listed on a checklist, they are considered unresponsive.

A motion was made by Council Member Smith, seconded by Council Member Lawson, to reject the bid protest made by Vega Asphalt Paving concerning the bid for the 2015 Permanent Patch

program (Bid #14/15-017). Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

9.4 Consideration and possible award of the 2015 Permanent Patch, Bid No. 14/15-017, PWP No. WA-2015-145, to Sierra Nevada Construction, Inc. in the amount of \$199,007. (FOR POSSIBLE ACTION) (Time: 3:39 p.m.)

An agenda item from Assistant Director of Community Services John Martini and Transportation Manager Jon Ericson, recommending Council award the contract. The permanent patch program requires a contractor to permanently patch city owned streets and alleys that have been cut by permit holders. The program is funded through permit fees in the CIP; there is no impact to the general fund.

A motion was made by Council Member Lawson, seconded by Council Member Smith, to award the 2015 Permanent Patch Program, Bid No. 14/15-017, PWP No. WA-2015-145, to Sierra Nevada Construction, Inc. in the amount of \$199,007. Council Members Ratti, Lawson, Smith, YES, Bybee, Schmitt, NO. Passed 3-2.

9.5 Consideration, discussion and possible direction to initiate a code amendment to address temporary signs for residential sales (FOR POSSIBLE ACTION) (Time: 3:44 p.m.)

An agenda item from Senior Planner Karen Melby suggesting Council could take no action, could direct staff to immediately initiate a code amendment to address temporary signs for residential sales, or could direct staff to address temporary signs for residential sales to be part of the Zoning Code update. In February 2015, the Builders Association of Northern Nevada (BANN) requested that the City of Sparks allow home builders to post temporary signs in the public right-of-way between Saturday 8 am and Sunday midnight directing customers to their developments. On April 13, 2015, staff received direction from the City Council to evaluate alternatives for temporary signs for residential sales with regards to amending the Sparks Municipal Code 20.56 (Signs). There is no impact to the general fund.

City Attorney Adams asked if the Builders Association of Northern Nevada withdrew their request and Senior Planner Melby confirmed they did withdraw their request for this amendment.

Shaun Taft, a representative of the Builders Association of Northern Nevada, made a public comment regarding builders that he represents stating that he wants to work with the city and adhere to any codes that we may have and would appreciate Council looking at this issue.

A motion was made by Council Member Ratti, seconded by Council Member Schmitt, to take no action. Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

9.6 Consideration and possible adoption of Resolution No. 3275 authorizing overtime and portal-to-portal pay for Sparks Fire Department employees. (FOR POSSIBLE ACTION) (Time: 3:57 p.m.)

An agenda item from Fire Chief Tom Garrison and Fire Division Chief Andy Koski recommending Council adopt the resolution affirming the compensation for fire department employees while providing mutual aid. Each year the Fire Department completes a salary survey

with the California Governor's Office of Emergency Services (OES). This salary survey ensures the city is properly reimbursed for any mutual aid provided through the OES system. New for 2015, OES is requiring documentation that shows how the department personnel are paid. This resolution reaffirms how our personnel are currently compensated and will provide OES with the documentation they have requested. There is no impact to the general fund.

A motion was made by Council Member Bybee, seconded by Council Member Lawson, to adopt Resolution No. 3275 authorizing overtime and portal-to-portal pay for Sparks Fire Department employees. Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

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

10.1 SECOND READING, Public Hearing, discussion and possible action on Bill No. 2691. An ordinance amending Title 9 Section 9.34.25 of the Sparks Municipal Code to provide a specific size of cup for serving alcoholic beverages during permitted special events on public property. (FOR POSSIBLE ACTION) (Time: 4:02 p.m.)

An agenda item from Parks and Recreation Director Tracy Domingues and Special Events Supervisor Francine Burge recommending Council adopt Bill No. 2691. Currently Sparks Municipal Code 9.34.25 requires a few limitations on serving alcohol during special events – specific alcohol percentage (no more than 12%) specific containers (no glass or cans). The cup size is a further extension of these limits to regulate how alcohol is served. This code amendment gives the event producers and vendors a manner to keep alcohol regulated by servers at the events held on public property. This is to avoid over-serving and over-consumption, which could lead to public safety issues. There is no impact to the general fund.

Public Hearing was opened, no comments were received.

A motion was made by Council Member Ratti, seconded by Council Member Lawson, to adopt Bill No. 2691 as submitted. Council Members Ratti, Lawson, Smith, Bybee, YES, Schmitt, NO. Passed 4-1.

10.2 SECOND READING, Public Hearing, discussion and possible action on Bill No. 2692. An ordinance amending Title 9 Section 9.42.010 of the Sparks Municipal Code to lengthen the times for the allowance of amplified sound during permitted special events on public property in the downtown area only. (FOR POSSIBLE ACTION) (Time: 4:13 p.m.)

An agenda item from Director Tracy Domingues and Special Events Supervisor Francine Burge recommending Council approve Bill No. 2692. Currently Sparks Municipal Code 9.42.010 limits amplified sound from 8 a.m. to 8 p.m. and not on Sundays or legal holidays. Many producers hold concerts as part of their events which are occasionally held on Sundays, holidays and past 9 p.m. This request is to lengthen the times for the allowance of amplified sound during permitted special events on public property in the downtown area only. It was important not to extend amplified sound to other event venues and parks, since they are situated in residential areas. City staff will continue to require all event producers to give impact notifications to local businesses and residents that would be affected by the sound of their permitted events. These

impact notifications include the times of concerts as well as road closures, attendance figures and other pertinent information. There is no impact to the general fund.

Public Hearing was opened, no comments were received.

A motion was made by Council Member Ratti, seconded by Council Member Lawson, to adopt Bill No. 2692 as submitted. Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

10.3 Public Hearing, consideration and possible approval of the Program Year 2015 - 2019 Community Development Block Grant (CDBG) and HOME Consortium Consolidated Plan and Program Year 2015 Annual Action Plan. (FOR POSSIBLE ACTION) (FOR POSSIBLE ACTION) (Time: 4:14 p.m.)

An agenda item from George Graham, Community Services Department recommending Council approve the Program Year 2015 - 2019 Consolidated Plan and Program Year 2015 Annual Action Plan for submission to the U. S. Department of Housing and Urban Development (HUD) as prepared and presented. The City of Sparks is an Entitlement Community under the U. S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) Program. The Program Year 2015 (City Fiscal Year 2015-2016) Annual Action Plan provides for allocations totaling \$883,965 in CDBG funding. As an Entitlement Community, the City of Sparks receives a direct allocation of CDBG funding each program year.

In addition to the CDBG Program, the City of Sparks partners with the City of Reno and Washoe County as part of the Washoe County HOME Consortium (WCHC), with the City of Reno serving as the lead agency. Through the Washoe County HOME Consortium (WCHC), the three jurisdictions also receive an annual allocation of HOME Investment Partnerships (HOME) funding. The WCHC will invest HOME and leveraged funds up to \$350,000 for development of a new construction 45-unit affordable senior citizen rental apartment development project (Lincoln Way Apartments).

Public Hearing was opened, no comments were received

A motion was made by Council Member Smith, seconded by Council Member Bybee, to approve the Program Year 2015 - 2019 Consolidated Plan and Program Year 2015 Annual Action Plan for submission to the U. S. Department of Housing and Urban Development (HUD) as presented. Council Members Ratti, Lawson, Smith, Bybee, Schmitt, YES. Passed unanimously.

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

12. Closed Door Sessions – (Time: 4:28 p.m.)

Senior Assistant City Attorney Doug Thornley updated Council on a pending lawsuit involving the police department in 2009 and a possible settlement.

13. Comments

13.1 Comments from the Public (Time: 4:17 p.m.) None

13.2 Comments from City Council and City Manager (Time: 4:18 p.m.)

Council Member Bybee acknowledged her sister Pamela Thomas Weldin, who is here visiting from Nebraska.

Council Member Schmitt requested staff include an item at the next joint meeting to discuss cooperation between regional colleagues during the 2015 legislative session.

City Manager Steve Driscoll announced the following committee appointments:

- Two appointments to the Sparks Civil Service Commission will expire 6-30-15, each appointment is for a 3 year term;
- Two appointments to the Sparks Recreation Commission will expire 6-30-15, each appointment is for a 3 year term;
- One appointment to the Airport Authority Board of Trustees will expire 6-30-15. The appointment is for a 4 year term. Requirements include experience in aviation, business or the tourism industry, experience in finance or accounting or other qualifications that the Airport Authority determines are necessary.

Any persons interested in serving on any of these committees should complete a Community Service application by June 1, 2015, which is available in the City Clerk's office or online at www.cityofsparks.us.

14. Adjournment

Council was adjourned at 4:21 to a closed labor session.

GENO R. MARTINI, Mayor

ATTEST:

Teresa Gardner, City Clerk

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