



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
2:00 P.M., Monday, February 11, 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 Geno Martini at 2:00 p.m.

2. Roll Call (Time: 2:00 p.m.)

Mayor Geno Martini, Council Members Julia Ratti, Ed Lawson, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, Senior Assistant Attorney Shirle Eiting and City Clerk Teresa Gardner, PRESENT. City Attorney Chet Adams arrived late.

ABSENT: None

Staff Present: Tracy Domingues, Shauna Nelson, Jeff Cronk, John Martini, Steve Keefer, Andy Flock, Neil Krutz, Michael Drinkwater, Jim Rundle, Ron Korman, Chris Cobb, Dan Marran, Steve Driscoll, Donna DiCarlo, Chris Syverson, Armando Ornelas, Tom Riley

Invocation Speaker (Time: 2:00 p.m.)

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

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

The Pledge of Allegiance was led by Senior Assistant Attorney Shirle Eiting.

Comments from the Public (Time: 2:03 p.m.)

Mr. Gene Gardella spoke of tragedies and the question of "what can I do". Mr. Gardella has read much related information and believes the solution must come from the ground up. He would like Council to ask themselves "what can I do" and offered his support.

Approval of the Agenda (Time: 2:06 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 Smith, to approve the agenda as submitted. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

3. Recommendation to Approve Minutes of January 28, 2013 (Time: 2:07 p.m.)

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

A motion was made by Council Member Ratti, seconded by Council Member Lawson, to approve the minutes of the Regular Meeting of January 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: 2:07 p.m.)

4.1 Proclamation "Walk for Thought" Brain Injury Alliance of Nevada (Time: 2:07 p.m.)

The 2nd Annual "Walk for Thought" is BIAN's awareness and fundraising campaign to support the ongoing efforts of The Brain Injury Association of Nevada to continue to provide programs and services in our communities. Mayor Martini proclaimed Saturday, March 23, 2013 as "Walk for Thought Day".

5. Consent Items (Time: 2:09 p.m.)

A motion was made by Council Member Smith, seconded by Council Member Lawson, to approve the consent items 5.1 through 5.7 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 January 10, 2013 through January 23, 2013. (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 the reimbursement to the City of Reno in the amount of \$101,803.33 for Sparks' share of a contract with Advance Installations, Inc. for the final phase of the Asbestos Abatement Project at Truckee Meadows Water Reclamation Facility (TMWRF). (FOR POSSIBLE ACTION)

An agenda item from TMWRF Environmental Health and Safety Coordinator Paul Shapiro recommending Council approve reimbursement to the City of Reno per contract with Advance Installations to perform asbestos abatement, repair and re-insulation services for \$101,803.33. The contract with Advance Installations for the final phase of the asbestos abatement project at TMWRF was approved by the Reno City Council on January 14, 2013. Under the capital projects cost sharing agreement with Reno, Sparks will reimburse Reno based on the current ownership, 68.63% Reno and 31.37% Sparks. There is no impact to the general fund.

5.3 Consideration and possible approval of a Professional Services Contract, to Dinter Engineering, for Electrical Engineering design services to complete the City Hall Electrical Upgrade Project, in the amount of \$85,000. (FOR POSSIBLE ACTION)

An agenda item from Capital Projects Manager Chris Cobb recommending Council approve the Professional Services Contract to Dinter Engineering. The City Hall electrical system is outdated, inefficient, lacks code compliance, could be a safety hazard, and continually has problems providing enough power to various areas of the building. This project will improve

safety, efficiency, functionality, and bring the existing system up to current code standards. There is no impact to the general fund.

5.4 Consideration and possible award of Bid #12/13-011 for the purchase of a hooklift unit and installation from Tom's House of Hydraulics in the amount of \$71,616.00. (FOR POSSIBLE ACTION)

An agenda item from Fleet and Facilities Manager Ron Korman recommending Council approve the purchase from Tom's House of Hydraulics. A Federal CMAQ grant through the State of Nevada has allocated \$972,343 to the City of Sparks for the purchase of equipment designed to reduce air pollution emissions. One of the items identified in the program is a hooklift truck designed to haul large dumpsters so that the sweepers have shorter distances to travel to dump the debris.

5.5 Consideration and possible approval to purchase one skid steer loader from Cashman Equipment in the amount of \$42,591.00. (FOR POSSIBLE ACTION)

An agenda item from Fleet and Facilities Manager Ron Korman recommending Council approve the purchase from Cashman Equipment. During the budget process last year one skid steer loader, 774B was identified for replacement. During the fall of 2012 a different skid steer loader, 764C experienced an engine failure. The cost to replace the engine exceeds the value of this equipment. Staff is requesting permission to replace the failed unit this year and will defer the replacement of 774B until the next fiscal year.

5.6 Municipal Court Judge Pro Tempore list for calendar year 2013

An agenda item from Court Administrator Heidi Shaw recommending approval of the Judge Pro Tempore list for Sparks Municipal Court for calendar year 2013 as follows: Dean Heidrich, Esq., Cheryl Field-Lang, Esq., Michael Specchio, Esq., and Lewis Taitel, Esq.

5.7 Consideration and possible approval of an application for a Gaming license for Affinity Gaming dba Plantation Investments, LLC dba Rail City Casino, located at 2121 Victorian Ave., Sparks, NV submitted by Mr. John Christopher Krabiell. (FOR POSSIBLE ACTION)

An agenda item from Police Chief Steve Keefer recommending Council approve Mr. Krabiell's application for a Gaming license 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/CJIS that do not reflect any disqualifying arrests/convictions.

6. General Business

6.1 Consideration and possible approval of the 21st Century Community Learning Centers Grant as entered into and secured through collaborative efforts with Alice Maxwell and Agnes Risley Elementary Schools. (FOR POSSIBLE ACTION) (Time: 2:10 p.m.)

An agenda item from Recreation Supervisor Shauna Nelson recommending Council accept the grant for \$7,369 from 21st Century. The City of Sparks Parks and Recreation Department provides enrichment activities, program ideas and resources for planning programs specific to site needs. Programming occurs from school release until 6:00 p.m. on all school days. The grant

reimburses the City for the part-time salaries dedicated at the Alice Maxwell and Agness Risley Elementary School sites.

A motion was made by Council Member Ratti, seconded by Council Member Schmitt, to accept and approve the 21st Century Community Learning Centers Grant as entered into and secured through collaborative efforts with Alice Maxwell and Agnes Risley Elementary Schools to complete FY12/13. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

6.2 Consideration and Possible Approval of a Request for Variance to Sparks Municipal Code, Title 15 (Sections 15.11.0310 – 15.11.0350, Floodways) by The Regional Transportation Commission of Washoe County (RTC) for Development within the Regulatory Flood Way- SouthEast Connector Phase 1. (FOR POSSIBLE ACTION) (Time: 2:11 p.m.)

An agenda item from The Regional Transportation Commission of Washoe County and Assistant Community Services Director John Martini recommending Council approve the request for the variance. The project site is completely within the FEMA regulatory floodway and, as such, any development activity requires variance to SMC Title 15. The Engineering Division of the Community Services Department has reviewed the project plan and the associated technical documents in support of the project and is of the opinion that the development activity will have no adverse impact to the FEMA regulatory floodway.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the request for variance to Sparks Municipal Code, Title 15 (Sections 15.11.0310 – 15.11.0350, Floodways) to the Regional Transportation Commission of Washoe County for development of Phase 1 of the SouthEast Connector within the regulatory flood way. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

6.3 Consideration, discussion and possible acceptance of a report concerning spending in response to the emergency declared at the Truckee Meadows Water Reclamation Facility specific to the incident discovered on January 11, 2013. (FOR POSSIBLE ACTION) (Time: 2:23 p.m.)

An agenda item from Contracts and Risk Manager Dan Marran recommending Council receive information concerning the purchase orders and contracts executed to-date in response to the emergency condition that has been declared at the Truckee Meadows Water Reclamation Facility due to the failure of influent pipes. Per NRS requirements governing emergency procurements, “the authorized representative shall report the contract or contracts to the public body at the next regularly scheduled meeting of the public body.” Additional details will be provided in March.

Council Member Schmitt asked if there were contingency funds available in the current year budget and if the City of Sparks was responsible for the entire amount or a portion. Deputy City Manager for Community Services Neil Krutz said the TMWRF budget had a \$2M contingency budget at the beginning of this emergency. The City of Sparks is responsible for 33 percent of the emergency costs.

A motion was made by Council Member Schmitt, seconded by Council Member Ratti, to accept the report of expenses specific to the emergency response at the Truckee Meadows Water

Reclamation Facility related to the incident discovered on January 11, 2013. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

6.4 FIRST READING and possible discussion of Bill No. 2653, an ordinance canceling the 2004 Development Agreement (Kiley Ranch North Project) between the City of Sparks and Kiley Ranch Communities and other matters properly relating thereto. (Time: 2:27 p.m.)

City Clerk Teresa Gardner read the Bill by title; the public hearing and 2nd reading was scheduled for the February 25, 2013 Council meeting.

6.5 FIRST READING and possible discussion of Bill No. 2654, an ordinance to approve a Development Agreement between the City of Sparks and KM2 Development, Inc. (as “Master Developer”) and Rising Tides LLC (as “Owner”) for a portion of the Kiley Ranch North Project and other matters properly relating thereto. (FOR POSSIBLE ACTION) (Time: 2:27 p.m.)

City Clerk Teresa Gardner read the Bill by title; the public hearing and 2nd reading was scheduled for the February 25, 2013 Council meeting.

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

7.1 SECOND READING, of Bill No.2652 Public Hearing and Action Item amending the Sparks Municipal Code relating to Business Licenses; Clarifying and Strengthening Numerous Provisions Regarding Business Licenses, including: Applications; Denials, Audits, Inspections, Delinquencies, Penalties, Expiration, Suspension, Revocation and Criminal Prosecution; Requiring certain Tax-Exempt Activities to obtain a license (at no cost); and providing other matters properly related thereto. (FOR POSSIBLE ACTION) (Time: 2:28 p.m.)

An agenda item from the Tom Riley representing the City Attorney’s office recommending Council adopt Bill No. 2652 to revise most provisions of the Sparks business license ordinance; clarify and strengthen many ambiguous and outdated provisions; comprehensive rebuilding of Sparks business license ordinance to be on equal footing with business license ordinances of Nevada’s largest cities. There are minimal financial impacts; no increase in business license fees; and increases in penalties for late renewal of license.

City Attorney Chet Adams thanked Mr. Riley for his work and said this amendment is to address lost revenues and protect those doing business legally. Council Member Lawson asked if there is an appeal process if so, would it come before the Council. Mr. Riley replied any appeals would go to the City Manager or his designee and not be brought to Council.

Council Member Carrigan asked if the inspectors were writing citations and if they could be defended. City Attorney Adams said Council does authorize citations to be written by inspectors, however, there are no legal consequences but the citation does help in court. There is a concern about the safety of inspectors as they are not peace officers or trained police officers.

Council Member Ratti asked if these changes are moving towards consistency in the region and Mr. Riley answered they are. Council Member Ratti also asked if there is flexibility in staff processes and Mr. Riley said the ordinance does not constrain the process.

Council Member Schmitt asked if the appeal process would be better and less expensive to come before Council rather than going to Court. City Attorney Adams said Municipal Court has jurisdiction but often civil matters are better heard at Justice Court. Council Member Ratti asked what other ordinances there were that Council was not involved. City Attorney Adams responded the Sewer Appeals, Gaming & Liquor Licenses and Work Card Reviews do not come before Council. Mr. Riley said it is a fact-finding issue and not necessary to consume Council's time. City Attorney Adams said Council's involvement would put them at risk. Council could decide to be involved but it is not recommended.

Ronald King provided public comment supporting this item and does not think Council needs to be involved in appeals.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve and adopt Bill No. 2652, the 2013 Business License Revision Ordinance. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

8. Planning and Zoning Public Hearings and Action Items

8.1 Public Hearing, 2nd Reading, discussion and possible action of CA-7-12 Bill#2649 an ordinance by the City of Sparks amending Title 20, Chapter 20.07.030 of the Sparks Municipal Code (decisions subject to review and methods of appeal) to shorten the appeal period for Planning Commission and administrative actions and other matters properly related thereto. (FOR POSSIBLE ACTION) (Time: 2:50 p.m.)

An agenda item from Senior Planner Jim Rundle presenting a proposal to shorten the appeal period of Administrative decisions and actions of the Planning Commission from 21 days to 11 calendar days. Reducing the appeal period may create an environment where projects can move more efficiently toward breaking ground, and if there are concerns, appeals must be filed more quickly for City Council consideration. Approval is recommended by staff and the Planning Commission.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to adopt Bill No. 2649 amending Title 20 of the Sparks Municipal Code modifying the expiration provisions for Special Use Permits (Chapter 20.13) and Site Plan Review (Chapter 20.31) and other matters properly relating thereto. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

8.2 PCN12036, City of Sparks, 2nd Reading and possible discussion of Bill#2650 an ordinance rezoning 55 parcels totaling approximately 10.8 acres in size from the I/T (Industrial/Transitional Overlay) to I ((Industrial) generally located south of Interstate 80, east of South 21st Street, west of South Rock Boulevard, and north of Pittman Avenue (extended). (FOR POSSIBLE ACTION) (Time: 3:00 p.m.)

An agenda item from Senior Planner Jim Rundle recommending approval. Mr. Rundle said establishment of the railroad at the turn of the century initiated instant demand for housing; therefore, just west of the main facilities for the Railroad, a 50 block residential neighborhood was constructed for Southern Pacific employees. Today, Conductor Heights exists as a shadow of its former self with only 7 of the original fifty blocks maintaining the Transitional Overlay designation. Over time the area has transitioned from residential to industrial. The Transitional

Overlay has effectively managed the transition of the neighborhood over the past 30 years and is not longer necessary.

A motion was made by Council Member Ratti, seconded by Council Member Schmitt, to adopt Bill No. 2650 and approve the Rezoning request associated with PCN12036 to rezone approximately 10.8 acres to I (Industrial) from I/T (Industrial/Transitional Overlay) based on findings Z1 through Z3 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, 2nd Reading, discussion and possible action CA-6-12 of Bill#2651 an ordinance amending Title 20 of the Sparks Municipal Code to modify the expiration provisions for Special Use Permits (Chapter 20.13) and Site Plan Review (Chapter 20.31) and other matters properly relating thereto. (FOR POSSIBLE ACTION) (Time: 3:04 p.m.)

An agenda item from Senior Planner Jim Rundle recommending approval to change the expiration date related to the approval of a use established by a Special Use Permit or Site Plan Review from one year to two years. The ability to apply for a one year extension is not being proposed to be changed.

Council Member Schmitt said he believed this change was intended to allow those who needed it, extra time to activate a project, but it appears this change is for those going forward and asked how this could be amended to go back the last two years. Deputy City Manager for Community Services Neil Krutz said he would like an opportunity to review the special use permits issued the last 24 months and determine what could be done. Council Member Lawson asked if there would be an issue with making it retroactive back two years. City Attorney Adams said it could be done but would like to see if there may be any unforeseen consequences prior to taking action. The item could be continued or it could be passed and staff would have to start over to have it amended if so desired.

Mr. Rundle recommended that the item be continued.

Council Member Ratti said the goal is to create an environment of certainty that makes it easier to do business with the city. The entitlement follows the land and we are not familiar with any pending real estate deals being made that are waiting on the expiration of a special use permit. Council Member Ratti would like staff to take the time to conduct due diligence.

A motion was made by Council Member Lawson, seconded by Council Member Carrigan, to continue Bill No. 2651 amending Title 20 of the Sparks Municipal Code modifying the expiration provisions for Special Use Permits (Chapter 20.13) and Site Plan Review (Chapter 20.31) and other matters properly relating thereto to the March 25, 2013 Council meeting. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Passed unanimously.

9. Closed Door Sessions (Time: 3:16 p.m.) – None

10. Comments

10.1 Comments from City Council and City Manager (Time: 3:16 p.m.) - None

10.2 Comments from the Public (Time: 3:16 p.m.)

Mr. Ronald King provided commented in favor of the already approved zone variance discussed in item 6.2 but asked if consideration was given to future traffic needs (vehicular and pedestrian).

11. Adjournment (Time: 3:19 p.m.)
Council was adjourned at 3:19 p.m.

DRAFT