



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, August 24, 2015
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. Call to Order (Time: 2:01 p.m.)

The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 2:01 p.m.

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

Mayor Geno Martini, Council Members Julia Ratti, Ron Smith, Charlene Bybee, City Manager Steve Driscoll, City Attorney Chet Adams and City Clerk Teresa Gardner, PRESENT.

ABSENT: Council Members Ed Lawson, Ron Schmitt.

3. Opening Ceremonies

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

Invocation speaker Rebecca Uppal, University of Nevada Secular Student Alliance, was not present. Mayor Martini requested a moment of silence for our troops fighting for our rights.

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

The Pledge of Allegiance was led by Council Member Julia Ratti.

4. Public Comment (Time: 2:05 p.m.)

Richard Simmonds, Bob Branner and Jennifer Newmark provided comments supporting the proposed code change that would prevent feral cat colonies.

Carol Blum, Karen Jacobs, Deborah Banks, Marcia Thomsen and Geraldine Rueger spoke in opposition to the proposed code change that would eliminate feral cat colonies and in favor of maintaining the trap, neuter, return and monitor program.

Community Manager for D'Andrea Community Association Rick Gardner said he has sent letters to request information on the D'Andrea design handbook and has not received a response. Mayor Martini requested City Manager Steve Driscoll make sure someone contact Mr. Gardner to discuss his concerns.

5. Agenda (Time: 2:28 p.m.)

5.1 TABLED FROM THE JULY 27, 2015 CITY COUNCIL MEETING: Consideration to remove from the table Item 9.1 - consideration and possible approval of a Parking Agreement (AC-5178) between the City of Sparks, the Redevelopment Agency of the City of Sparks and Century Theatres, Inc. for use of the Victorian Square parking structure adjacent to the movie theater. (FOR POSSIBLE ACTION)

A motion was made by Council Member Smith, seconded by Council Member Ratti, to call from the table the item tabled at the July 27, 2015 Council meeting for consideration and possible approval of a Parking Agreement (AC-5178) between the City of Sparks, the Redevelopment Agency of the City of Sparks and Century Theatres, Inc. for use of the Victorian Square parking structure adjacent to the movie theater. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

5.2 Approval of the Agenda (FOR POSSIBLE ACTION) (Time: 2:30 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 with agenda item 9.8 being heard after agenda item 10.2. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

6. Minutes (Time: 2:30 p.m.)

6.1 Consideration and possible approval of the minutes of the regular Sparks City Council Meeting on August 10, 2015. (FOR POSSIBLE ACTION)

A motion was made by Council Member Bybee, seconded by Council Member Ratti, to approve the minutes of the regular Sparks City Council meeting on August 10, 2015. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

7. Announcements, Presentations, Recognition Items and Items of Special Interest

7.1 Proclamation: "50th Anniversary of Constitution Week" (Time: 2:31 p.m.)

Mayor Geno Martini proclaimed September 17-23, 2015 as Constitution Week celebrating the 60th anniversary of Constitution Week which was adopted by the U.S. Congress and signed into law on August 2, 1956 by President Dwight D. Eisenhower. September 17, 2015 marks the 228th anniversary of the drafting of the Constitution. The Proclamation was presented to Lynda Siminske.

7.2 Presentation: EDAWN Update by Mike Kazmierski (Time: 2:40 p.m.)

EDAWN President and CEO Mike Kazmierski gave an update on activity and indicators for the region's current economic development, stating workforce, housing and school infrastructures are three main concerns with upcoming growth.

7.3 Presentation: Nevada Humane Society (Time 2:58 p.m.)

Nevada Humane Society CEO Kevin Ryan presented information regarding Community Cat Management and the Trap, Neuter, Return, Manage program.

7.4 Presentation: Top Sponsors of the Sparks Fire Department Annual Project SAFE Golf Fundraiser. (Time: 3:20 p.m.)

Fire Marshal Robert King discussed the Residential Smoke Alarm Program and thanked all sponsors of the July 19, 2015 Project Safe Golf Tournament. Mr. King announced ABC Fire & Cylinder (Nicholas Brown) and Belford Property & Restoration (Chris Nelson, Michele Turner) as the top sponsors.

8. Consent Items (FOR POSSIBLE ACTION) (Time: 3:29 p.m.)

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

8.1 Report of Claims and Bills approved for payment and appropriation transfers for the period July 23, 2015 through August 5, 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 and possible approval of the destruction/disposal of original building plans and associated documents that have been microfilmed (City Clerk's Office). (FOR POSSIBLE ACTION)

An agenda item from Records Technician Carrie Brooks recommending the City Council approve the destruction/disposal of original building plans and associated documents that have been microfilmed. There is no impact to the general fund.

9. General Business

9.1 Consideration and possible approval of a Parking Agreement (AC-5178/AC-SRA-309) between the City of Sparks, the Redevelopment Agency of the City of Sparks and Century Theatres, Inc. for use of the Victorian Square parking structure adjacent to the movie theater. (TABLED AT THE JULY 27, 2015 MEETING) (FOR POSSIBLE ACTION) (Time: 3:29 p.m.)

An agenda item from City Planner Armando Ornelas recommending the City Council approve the parking agreement to continue providing free parking in the Victorian Square parking structure adjacent to Century Theatres at Victorian Square. The term of the agreement is for so long as a motion picture theatre is operated in the theater building or September 30, 2040, whichever is sooner. There is no direct impact to the general fund.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve the Parking Agreement with Century Theatres. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

9.2 Consideration and possible approval of a contract (AC-5190) for the City Hall HVAC Upgrade Project, Bid# 15/16-002, PWP# WA-2015-224, to Mount Rose Heating and Air Conditioning, Inc., in the amount of \$1,014,000. (FOR POSSIBLE ACTION) (Time: 3:35_ p.m.)

An agenda item from Capital Projects Manager Brian Cason recommending the City Council approve the contract. The City Hall HVAC system is outdated, inefficient, lacks redundancy, is very inconsistent with heating and cooling in different areas of the building, and takes a

tremendous amount of time for maintenance personnel to keep up with maintaining the system. This project will upgrade the existing HVAC system at City Hall and fix the deficiencies of the system. Funds are available in the Capital Improvement Project (CIP) budget. There is no impact to the general fund.

A motion was made by Council Member Ratti, seconded by Council Member Bybee, to approve a contract (AC-5190) for the City Hall HVAC Upgrade Project to Mount Rose Heating and Air Conditioning, Inc., in the amount of \$1,014,000. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

9.3 Consideration and possible approval of a contract (AC-5191) for the City Hall HVAC Upgrade Project to provide an Alerton Direct Digital HVAC Control System, Bid# 15/16-006, PWP# WA-2015-258, to Building Control Services, Inc., in the amount of \$503,241. (FOR POSSIBLE ACTION) (Time: 3:37 p.m.)

An agenda item from Capital Projects Manager Brian Cason recommending the City Council approve the contract. The City Hall HVAC system is currently controlled by an outdated and inefficient air actuated mechanical system. Building Control Services would install a new Alerton Direct Digital HVAC Control System that would allow the new HVAC system to be much more efficient and greatly reduce the time required for maintenance to monitor and adjust the system. Funds are available in the Capital Improvement Project (CIP) budget. There is no impact to the general fund.

A motion was made by Council Member Smith, seconded by Council Member Bybee, to approve a contract (AC-5191) for the City Hall HVAC Upgrade Project to provide an Alerton Direct Digital HVAC Control System to Building Control Services, Inc., in the amount of \$503,241. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

9.4 Consideration and possible approval of a Water Rights Deed (D-1450) to Truckee Meadows Water Authority related to previous City Council action. (FOR POSSIBLE ACTION) (Time: 3:39 p.m.)

An agenda item from Utility Manager Andrew Hummel recommending the City Council approve the water rights deed. At the October 13, 2014 Sparks City Council meeting an item was presented to quitclaim approximately 6,000 acre-feet of water rights from Sparks to Truckee Meadows Water Authority (TMWA). These were rights originally dedicated to Sparks by developers for the purposes of providing water service between 1984 and 1996 and were subsequently made available to Sierra Pacific Power Company (Sierra) in order to supply water to the new service. All water rights dedicated to Sparks were subsequently committed for water service and/or drought storage. In the process of updating ownership of the water rights previously acted upon, TMWA discovered an additional 48.27 acre-feet of water rights that needed to be transferred. This Water Rights Deed quitclaims Sparks' interest in these rights to TMWA. There is no impact to the general fund.

Administrative Note: The correct Deed No. is D-1451

A motion was made by Council Member Bybee, seconded by Council Member Ratti, to approve Water Rights Deed (D-1450) to Truckee Meadows Water Authority related to previous City Council action. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

9.5 Consideration and possible approval of a Water Rights Deed (D-1451) between the City of Sparks and Truckee Meadows Water Authority to transfer 213.99 acre-feet of water rights. (FOR POSSIBLE ACTION) (Time: 3:42 p.m.)

An agenda item from Utility Manager Andrew Hummel recommending the City Council approve the deed. Research of water rights pertaining to City of Sparks' rights-of-way resulted in the discovery of 213.99 acre-feet of water rights with clear ownership in the name of Sparks but were held by TMWA due to incorrect conveyances. This deed between TMWA and Sparks seeks to resolve this issue by deeding equivalent rights to Sparks. There is no impact to the general fund at this time, however, costs may be incurred in the utility enterprise fund in the future to cover potential filing fees.

Administrative Note: The correct Deed No. is D-1452

A motion was made by Council Member Smith, seconded by Council Member Bybee, to approve a Water Rights Deed (D-1451) between the City of Sparks and Truckee Meadows Water Authority to transfer 213.99 acre-feet of water rights. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

9.6 Consideration and possible approval of a Water Rights Deed (D-1452) of approximately 453 acre-feet of water rights from Truckee Meadows Water Authority to City of Reno, City of Sparks and Washoe County. (FOR POSSIBLE ACTION) (Time: 3:46 p.m.)

An agenda item from Utility Manager Andrew Hummel recommending the City Council approve the deed. The Truckee River Operating Agreement (TROA) is an agreement signed pursuant to Public Law 101-618. The Cities of Reno and Sparks, together with Washoe County, as signatories to TROA, are obligated to provide 6,700 acre-feet of Truckee River water rights. Recognizing that water rights identified on street rights-of-way were insufficient to meet the 6,700 acre-feet requirement, the Western Regional Water Commission provided \$2.7 million dollars to Truckee Meadows Water Authority to purchase additional water rights. The water rights deed presented herein transfers ownership of the approximately 453 acre-feet purchased to the cities of Reno and Sparks and Washoe County. There is no impact to the general fund at this time, however, costs may be incurred in the utility enterprise fund in the future to cover potential filing fees.

Administrative Note: The correct Deed No. is D-1453

A motion was made by Council Member Bybee, seconded by Council Member Ratti, to approve a Water Rights Deed (D-1452) of approximately 453 acre-feet of water rights from Truckee Meadows Water Authority to City of Reno, City of Sparks and Washoe County. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

9.7 Consideration and possible approval of an agreement (AC-5192) regarding satisfaction of the obligation of the City of Reno, City of Sparks and Washoe County Pursuant to Section 1.E.4 of the Truckee River Operating Agreement to provide 6,700 acre feet of water rights. (FOR POSSIBLE ACTION) (Time: 3:48 p.m.)

An agenda item from Utility Manager Andrew Hummel recommending approval of the agreement. The Truckee River Operating Agreement (TROA) is an agreement signed pursuant to Public Law 101-618. TROA allows for a congressionally authorized interstate allocation of water between Nevada and California and changes the operations of the Truckee River system to accommodate multiple beneficial uses. The Cities of Reno and Sparks, together with Washoe County, as signatories to TROA, are obligated to provide 6,700 acre-feet of Truckee River water rights. Multiple sources of water rights are being used to satisfy this requirement; the agreement presented herein memorializes the satisfaction of this requirement. There is no impact to the general fund at this time, however, costs may be incurred in the utility enterprise fund in the future to cover potential filing fees.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve an agreement (AC-5192) regarding satisfaction of the obligation of the City of Reno, City of Sparks and Washoe County Pursuant to Section 1.E.4 of the Truckee River Operating Agreement to provide 6,700 acre feet of water rights. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

9.8 Consideration and possible approval of Amendment No. 1 to Resolution No. 3281, designating certain employees as Confidential; providing salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions related to these employees; and providing other matters properly related thereto. (FOR POSSIBLE ACTION)
(Time: 3:56 p.m.)

This item was heard after item 10.2. An agenda item from Administrative Services Director Chris Syverson recommending approval of Amendment No. 1 to Resolution No. 3281. Separate agenda items (AI 10.1 and 10.2) proposed a 3% cost of living increase effective the first full pay period following July 1st in 2015, and 2016 for Operating Engineers Local #3, Resolution No. 3281 is proposed to be amended to reflect the same cost of living increases. The fiscal impact assessment summary is attached to the staff report.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve Amendment No. 1 to Resolution No. 3281 as presented by staff. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

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

10.1 Public Hearing, discussion, and possible approval of a bargaining agreement (AC-5184) between the City of Sparks and the Operating Engineers, Local 3, Supervisory Unit for the period July 1, 2015 through June 30, 2017. (FOR POSSIBLE ACTION) (Time: 2:52 p.m.)

An agenda item from Administrative Services Director Chris Syverson recommending Council approve the bargaining agreement. The bargaining agreement between the City of Sparks and the Operating Engineers, Local 3, Supervisory Unit expired on June 30, 2015. The City and the Bargaining Unit participated in active negotiations beginning in early 2015, and reached a tentative agreement. Both the city Negotiating Team and the Bargaining Unit have approved this agreement, and the Bargaining Unit has affirmatively ratified the agreement. The fiscal impact assessment summary is attached to the staff report.

Public Hearing was opened, no comments were received; public hearing was closed.

A motion was made by Council Member Smith, seconded by Council Member Bybee, to approve the bargaining agreement (AC-5184) between the City of Sparks and the Operating Engineers Local 3 Supervisory Unit, for the contract period of July 1, 2015 through June 30, 2017. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

10.2 Public Hearing, discussion, and possible approval of a bargaining agreement (AC-5185) between the City of Sparks and the Operating Engineers, Nonsupervisory Unit for the period July 1, 2015 through June 30, 2017. (FOR POSSIBLE ACTION) (Time: 3:54 p.m.)

An agenda item from Administrative Services Director Chris Syverson recommending Council approve the bargaining agreement. The bargaining agreement between the City of Sparks and the Operating Engineers, Local 3, Non-Supervisory Unit expired on June 30, 2015. The parties began meeting early 2015, and continued to meet on a regular basis to discuss the terms and conditions of the agreement. The bargaining agreement proposed today is the result of those meetings, and will cover the period July 1, 2015 through June 30, 2017. The City and the Unit believe this agreement fairly represents a good faith effort to reach agreement on labor issues related to this multi-year agreement involving wage rates and benefits. Both negotiating teams are positively recommending ratification/approval of the proposed agreement by their respective authorizing bodies. The fiscal impact assessment summary is attached to the staff report.

Public hearing was opened, no comments were received; public hearing was closed.

A motion was made by Council Member Bybee, seconded by Council Member Ratti, to approve the bargaining agreement (AC-5185) between the City of Sparks and the Operating Engineers Nonsupervisory Unit July 1, 2015 through June 30, 2017. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

11. Planning and Zoning Public Hearings and Action Items

11.1 SECOND READING, Public Hearing, consideration and possible action on Bill 2693 an ordinance to amend Title 20 of the Sparks Municipal Code in its entirety and providing other matters properly relating thereto. Applicant: City of Sparks (CA-1-15) (FOR POSSIBLE ACTION) (Time: 3:58 p.m.)

An agenda item from Senior Planner Jim Rundle presenting the Sparks Municipal Code Title 20 changes. In 2011 the City of Sparks elected to conduct a comprehensive overhaul of the chapter of its municipal code which governs zoning and development (Title 20). Title 20 regulates the use and improvement of land while controlling the location, soundness and use of structures located thereon. The City Council tasked staff with creating a document which removed "barriers to development," created flexibility and provided predictability. This Code Amendment is the culmination of a three phased approach to create the revised Title 20 (zoning code) which will replace the existing zoning code in its entirety.

At the June 18, 2015 Sparks Planning Commission meeting, the board voted unanimously to forward a recommendation of approval to the Sparks City Council.

Since the Planning Commission meeting, staff has identified issues which should be considered by the City Council. Staff believes these items should be included in Title 20 and have identified them on the "Errata Sheet" attached to the staff report. In addition, since the staff report was submitted, it was determined where it mentions "attached patio covers", staff recommends the word "attached" be removed. There is no impact to the general fund.

City Attorney Chet Adams presented information in support of the feral cat portion of the zoning ordinance, section 20.03.005 (c), as it relates to land use.

The public hearing was opened at 4:15 p.m.

Comments were received in opposition of the proposed code change that would eliminate feral cat colonies (comments included concern with the elimination of the trap, neuter, return and monitor program in Sparks, decrease in humane society funding, and increase in euthanasia) by Linda Platshon, Lisa Smith, Trish Swain, Margaret Flint, Deborah Banks, Fred Voltz, Nikole Nichols, Kevin Ryan, Karen Jacobs, Judith Snell, Genelle Richards, Lyndall MacCowan, Rebecca Medley, Brenda Milhollan, and Linda McCoy.

Elaine Voltz, Christa Hirtz, Charlene Hadwin, Nancy Cencula, David Cencula, Elaine Hummel, Celeste Mills, Jody Prisbrey, Gloria McLay and Jessie Taylor, noted opposition of the feral cat code; however, did not speak.

Richard Simmonds, Mel Belding, Rex Flowers, John Potash, Sandra Gerhardt, Ardena Perry, spoke supporting the proposed code change that would prevent feral cat colonies.

Nancy Samon, Joel Sonnasberg, and Chris Vaught noted support of the feral cat code; however, did not speak.

Rail City Garden Center owner Paul Hollis spoke in favor of the zoning code revision as it related to poultry, bees and community gardens. Mr. Hollis appreciated being part of the stakeholder workshops.

Karin Swift noted support of raising chickens; however, did not speak.

Greg Evangelatos spoke in favor of the zoning ordinance in general, and was complimentary of the process to create the zoning code.

The public hearing was closed at 5:16 p.m.

Council Member Ratti thanked responsible pet owners. Ms. Ratti said she believed it is the role of the City Council to set policy for the City of Sparks and the Council delegated the animal services function to Washoe County. Council Member Ratti said the Washoe County Commission voted to allow feral cat colonies and Ms. Ratti said she does not believe this is a land use issue. Ms. Ratti also said she believes in public/private partnerships. Ms. Ratti thanked Jim Rundle and city staff for the work done on the zoning code update.

Council Member Bybee thanked the public for their respectful input on an emotional issue and encouraged public involvement.

Council Member Smith said the Council is listening to the citizens' opinions and is concerned with what is in the best interest of the city.

A motion was made by Council Member Smith, seconded by Council Member Bybee, to adopt Bill No. 2693 amending Title 20 of the Sparks Municipal Code including the items on the errata sheet attached to the staff report; pulling section 20.03.005 (c) on feral cats and section 20.03.044 on domesticated chickens and bees; striking the word "attached" from patio cover in section 20.04.008; and bring back the two removed sections as independent bills for a first reading at the end of September and a second reading October 12. Council Members Ratti, Smith, Bybee, YES. Council Members Lawson, Schmitt, ABSENT. Passed unanimously with those present.

12. Closed Door Sessions - None

13. Comments

13.1 Comments from the Public (Time: 5:46 p.m.)

Public comment was received from Deborah Banks requesting public meetings to discuss the issue of feral cats prior to it being addressed by Council again. Mayor Martini said the city will not be having additional public meetings on this topic; however, may be able to provide a meeting place and put information on our website if the citizens want to have a meeting. Judith Snell supports additional dialogue regarding feral cats.

City Attorney Chet Adams said the time for the Council to have public dialogue and comment would have been with Washoe County prior to the process.

13.2 Comments from City Council and City Manager (Time: 5:52 p.m.)

Council Member Ratti stated concern with the open meeting law if a public group gathers and members of the Council attend so she suggested the public hearing on October 12 be the opportunity for further comments. Mayor Martini said the public is welcome to contact Council if they had concerns they wanted to voice. Council Member Bybee added that meetings could be arranged with 2 Council Members or less.

14. Adjournment

Council was adjourned at 5:54 p.m.

GENO R. MARTINI, Mayor

ATTEST:

Teresa Gardner, City Clerk

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