



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, December 11, 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 Pro Tempore Ron Smith at 2:00 p.m.

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

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: Mayor Geno Martini.

**3. Opening Ceremonies**

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

The invocation was provided by Pastor Omar Palmer, Sparks Seventh Day Adventist Church.

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

The Pledge of Allegiance was led by Senior Administrative Analyst Kathy Clewett.

**4. Public Comment** (Time: 2:02 p.m.)

A woman speaking anonymously spoke against the destruction of court records of child abuse cases. Kathleen Shupp spoke in opposition to building a school on the Wildcreek Golf Course property. Tom Young of Great Basin Brewing Co. spoke in support of the development coming to Victorian Square, but has concerns about having sufficient parking in Victorian Square when the development is complete.

**5. Agenda** (Time: 2:11 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 Bybee, to approve the agenda as submitted. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

**6. Minutes (Time: 2:21 p.m.)**

**6.1 Consideration, discussion and possible approval of the minutes of the regular Sparks City Council meeting of November 27, 2017 and the Concurrent Meeting of November 6, 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 of November 27, 2017 and the Concurrent meeting of November 6, 2017. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

**7. Announcements, Presentations, Recognition Items and Items of Special Interest (Time: 2:13 p.m.)**

**7.1 Presentation: Jordan Van Worth, "Miss Sparks 2017" (Time: 2:13 p.m.)**

Miss Sparks 2017 Jordan Van Worth gave an overview of the process of becoming Miss America. Miss Sparks spoke about the process including the Miss America Organization layout and the stages of the competition.

**7.2 Presentation and update on the Northern Nevada State Veterans Home being built in Sparks. The 102,000 square foot facility will have 96 beds and a host of amenities. Groundbreaking took place on July 17, 2017 and is slated to be open in December 2018. (Time: 2:24 p.m.)**

Senior Administrative Analyst Kathy Clewett introduced Deputy Director of Health and Wellness Wendy Simons who gave an overview of the new Northern Nevada Veterans Home approved by Governor Sandoval and the 2017 Legislature. The design will be a house with eight private rooms with a living room, den, dining and a shared country kitchen. There will be households which will be two houses combined. There will be a neighborhood which is two households combined. The home will have a community center that includes a barber shop, beauty shop, sports bar, dining commons, commissary, chapel, coffee/ice cream shop, physical therapy gym and meeting rooms.

**7.3 Presentation and update of Western Nevada Development District's Comprehensive Economic Development Strategy and City of Sparks' Projects (Time: 2:50 p.m.)**

Executive Director Ron Radil gave an update on the Western Nevada Development District's (WNDD) Comprehensive Economic Development Strategy (CEDS). The CEDS document is updated every year and WNDD does a major rewrite every five years. CEDS provides an assessment of regional economic opportunities, has a project listing and contains goals and strategies identified by region. The CEDS project listing aids public and private entities in receiving funding for projects. The deadline to submit project listings to WNDD is January 30<sup>th</sup> and the projects can be short term or long term. Council Member Lawson said this is an opportunity for the city and gave direction to City Manager Driscoll to prepare a list of projects to be submitted.

**8. Consent Items (FOR POSSIBLE ACTION) (Time: 3:01 p.m.)**

A motion was made by Council Member Lawson, seconded by Council Member Abbott, to approve consent items 8.1 through 8.3 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 November 9, 2017 through November 22, 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, discussion and possible approval of a professional services contract (AC-5428) with Premier Inspection Services for contract labor to provide building inspection services for the remainder of FY18 in an amount not to exceed \$125,000. (FOR POSSIBLE ACTION)**

An agenda item from Assistant Community Services Director Armando Ornelas recommending Council award the contract. Since June 2015, Community Services Building Inspection Division has utilized contract workers as building inspectors through third party vendors to help with the demands of increased building inspections. Funding is from the development services fund; there is no impact to the general fund.

**8.3 Consideration, discussion and possible approval of Impact Fee Agreement #27 (AC-5429) with Toll NV Limited Partnership to allow for participation and use of credits in Impact Fee Service Area Number 1. (FOR POSSIBLE ACTION)**

An agenda item from Community Services Director John Martini recommending Council approve the agreement. Impact Fee Agreement #27 is a master agreement that will allow Toll NV Limited Partnership to participate in the impact fee program. The agreement is the city's standard master form agreement and establishes the administrative rules for the use of impact fee credits within Impact Fee Service Area #1. Toll NV Limited Partnership will be eligible to receive impact fee credits for use within Impact Fee Service Area #1. There is no impact to the general fund.

**9. General Business**

**9.1 Consideration, discussion and possible approval to make plan design changes to the City of Sparks Group Health Plan as recommended by the City of Sparks Group Health Committee effective January 1, 2018. (FOR POSSIBLE ACTION) (Time: 3:03 p.m.)**

An agenda item from Senior HR Analyst Jen McCall recommending Council approve the changes. The City of Sparks provides a self-insured group health plan that includes medical, dental, pharmacy, vision and life insurance for employees, retirees and dependents. In 2017, through the open meeting law process, the City of Sparks Group Health Committee reviewed the current benefit structure to determine if savings could be realized within the current plan design, without significantly impacting group health plan members, and to find areas where the benefit design could be updated while remaining competitive.

The plan changes include an increase in the annual deductible for out-of-network services, an increase in the annual out-of-pocket maximums for out-of-network services, adding the Intercept Rx Program and eliminating deductible carry-over. The proposed changes also reduce the number of back on track visits, adds a pre-certification requirement for all in-patient and out-patient admissions, adds the optomap retinal exam, and increases the annual dental benefit maximum. There is an estimated net annual saving of \$9,493 expected to the group health self-insurance fund; there is no impact to the general fund.

A motion was made by Council Member Bybee, seconded by Council Member Dahir, to approve the recommended changes to the City of Sparks Group Health Plan effective at the beginning of

the plan year which is January 1, 2018. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

**9.2 Consideration, discussion, and possible direction to the Sparks City Attorney's Office to cause to be filed an amicus brief in pending litigation regarding the Little Valley Fire. (FOR POSSIBLE ACTION) (Time: 3:18 p.m.)**

An agenda item from Assistant City Attorney Alyson McCormick recommending Council authorize the Sparks City Attorney's Office to file or cause to be filed an amicus brief. In October 2016, the University of Nevada, Reno (UNR) and Nevada Division of Forestry (NDF) initiated a controlled burn in the Whittell Forest and Wildlife Area. Embers from the controlled burn escaped the burn area, causing a wildfire and significant property damage. The property owners and their insurers sued UNR and NDF for various claims, including inverse condemnation. UNR and NDF moved to dismiss the inverse condemnation claims, and the District Court denied the motions. UNR and NDF have filed a Petition for a Writ of Mandamus in the Nevada Supreme Court, asking the Court to order the District Court to dismiss one of those claims called a takings claim. Several local government entities are considering participating in the litigation before the Nevada Supreme Court by jointly filing an amicus brief in support of UNR's and NDF's position. If the District Court's conclusions are adopted by the Nevada Supreme Court, they will have far-reaching implications for the City of Sparks and other government entities within the State of Nevada. The District Court's conclusions would turn any damages resulting from a negligent act into a constitutional violation. There is a \$5,000 impact to the general fund.

Council Member Lawson stated it needs to be clear that the city is not taking a position on the lawsuits associated with the fire, the amicus brief is on the narrow legal issue of takings claim.

Mr. Doug Thornley of Fennemore Craig said the city would not be taking a position on the Little Valley Fire; the amicus brief only addresses the takings clause and the brief will be written in a neutral fashion.

A motion was made by Council Member Dahir, seconded by Council Member Bybee, to authorize the Sparks City Attorney's Office to file or cause to be filed an amicus brief in the Nevada Supreme Court regarding the Little Valley Fire. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

**9.3 Consideration, discussion and possible acceptance of the City's Comprehensive Annual Financial Report (CAFR) for fiscal year 2016-2017, possible approval of the City's Plans of Corrective Actions relating to the City's external auditors' conclusions and recommendations, and authorization for the Financial Services Director to distribute the CAFR to interested parties and to the GFOA for award consideration. (FOR POSSIBLE ACTION) (Time: 4:04 p.m.) (HEARD AFTER AGENDA ITEM 10.1)**

An agenda item from Accounting Manager Debi Kinder recommending Council accept the Comprehensive Annual Financial Report (CAFR), Plans of Corrective Action for fiscal year 2016-2017, and authorize the CAFR to be distributed to interested parties and be submitted to the Government Finance Officers Association (GFOA) for consideration for its Certificate of Achievement for Excellence in Financial Reporting award. Per Nevada Revised Statute (NRS) 354.624, all Nevada local governments must provide for an annual audit by a professional accounting firm. The CAFR is the report representing the city's compliance with state law. Two

plans of corrective action are needed based on the results from the external audit. First, NRS 354.6245 and Nevada Administrative Code (NAC) 354.721 require that Council advise the Department of Taxation what action has been, or will be, taken to prevent recurrence of NRS violations discovered during our audit. Second, the Code of Federal Regulations 2 CFR §200.511(c) require the city to prepare a corrective action plan relating to audit findings of the financial statements. The federal plan is required for all years the city is subject to an audit in accordance with the generally accepted government auditing standards (GAGAS). The city is subject to GAGAS audit standards due to receipt of government awards (grants). There is an estimated \$580 impact to the general fund.

A motion was made by Council Member Dahir, seconded by Council Member Abbott, to accept the Comprehensive Annual Financial Report and approve the Plans of Corrective Action for fiscal year 2016-2017 as presented, and authorize the Financial Services Director to distribute the CAFR to interested parties and to the GFOA for award consideration. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

**9.4 Consideration, discussion and possible approval of a contract (AC-5430) to Triumph Electric, Inc. to remove and replace Motor Control Center (MCC) 6 at the Truckee Meadows Water Reclamation Facility (TMWRF) in an amount not to exceed \$396,100. (FOR POSSIBLE ACTION) (Time: 4:11 p.m.)**

An agenda item from TMWRF Maintenance Manager Kim Laber recommending Council approve the contract. The Truckee Meadows Water Reclamation Facility (TMWRF) utilizes numerous Motor Control Centers (MCC) to distribute power within buildings for the electrical equipment contained in the building. MCC 6 was installed as part of the 1978 TMWRF expansion and after 39 years has performed beyond its useful life. Typical electrical gear of this type has a service life of 25 to 30 years. This MCC has begun to experience failures, which affects both plant performance and processes. In addition, the new MCC will incorporate the latest in ARC flash safety upgrades. The replacement of MCC 6 makes the Thickened Waste Activated Sludge (TWAS) facility more reliable. This facility is an integral component of the wastewater treatment process. The TWAS system is critical in ensuring that the proper pounds of activated sludge are continuously maintained in the aeration systems to treat the incoming wastewater. The project also includes the replacement of corroded conduit from the MCC to electric motors and controls. Funding is from the joint treatment plant fund; there is no impact to the general fund.

A motion was made by Council Member Abbott, seconded by Council Member Bybee, to approve a contract to Triumph Electric, Inc. to remove and replace Motor Control Center (MCC) 6 at the Truckee Meadows Water Reclamation Facility (TMWRF) in an amount not to exceed \$396,100. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

**9.5 Consideration, discussion and possible approval of an Interlocal Cooperative Agreement (AC-5432) with the Regional Transportation Commission (RTC) of Washoe County for the Signal Timing 5 Project in an amount not to exceed \$25,000. (FOR POSSIBLE ACTION) (Time: 4:15 p.m.)**

An agenda item from Transportation Manager Amber Sosa recommending Council approve the Interlocal Cooperative Agreement (ICA). The City of Sparks will provide staff to assist the RTC in implementing new signal timing into the City of Sparks central traffic system. The ICA allows the RTC to reimburse the City of Sparks up to \$25,000 of the city's staff time. The funding for the

project is 95% reimbursable from the Nevada Department of Transportation utilizing Congestion Mitigation Air Quality (CMAQ) funds. There is no impact to the general fund.

A motion was made by Council Member Bybee, seconded by Council Member Dahir, to approve the Interlocal Cooperative Agreement with the Regional Transportation Commission for the Signal Timing 5 Project in an amount not to exceed \$25,000. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

**9.6 Consideration, discussion, and possible approval of the City Manager to prepare a letter(s) for the Mayor's signature endorsing and supporting the Team Nevada Delivers public-private partnership application to the United States Department of Transportation and the Federal Aviation Administration (FAA) for designation as a select participant in the Unmanned Aircraft Systems Integration Pilot Program announced by the President. (FOR POSSIBLE ACTION) (Time: 4:18 p.m.)**

An agenda item from City Manager Steve Driscoll recommending Council approve the Mayor sending a letter. The City of Sparks has confidence in the Team Nevada Delivers (Flirtey) public-private partnership as a select participant in the Unmanned Aircraft Systems Integration Pilot Program (Program). Flirtey was the first company to conduct an FAA-approved drone delivery in the United States in collaboration with NASA; the first to perform a fully autonomous drone delivery to a home in collaboration with the Nevada Institute for Autonomous Systems, and the first to launch a commercial drone delivery service. There are currently only five licenses in the U.S.

Flirtey has asked the City of Sparks to submit a letter(s) of support for the program. If Flirtey is one of the successful applicants, the company will conduct its drone delivery research and testing in the Reno-Sparks area utilizing different businesses as suppliers and various private addresses for delivery locations. Sparks addresses would be within the testing areas. The intended ultimate delivery services will include private products delivered from retail companies being sent to individual addresses for a whole host of products. One specific drone delivery service being contemplated through the partnership with the Regional Emergency Medical Services Authority (REMSA) is to provide automated external defibrillators (AED) to patients in the field in advance of either REMSA or Sparks Fire Department EMS arrival. There is no impact to the general fund.

A motion was made by Council Member Bybee, seconded by Council Member Abbott, to direct the City Manager to prepare a letter(s) for the Mayor's signature to endorse and support the application being prepared and submitted by Team Nevada Delivers to the United States Department of Transportation and the Federal Aviation Administration for designation as a select participant in the Unmanned Aircraft Systems Integration Pilot Program. 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 adoption of Resolution No. 3329 approving the sale by the Redevelopment Agency of the City of Sparks to SWD Partners, LLC of a parcel 0.96 acres in size and improved with a four-level parking garage at 955 C Street in Sparks, Nevada and having Assessor's Parcel Number 032-193-19. This agenda item also provides for the consideration and possible approval by the City Council of a Disposition and**

**Development Agreement (AC-5431) between the Redevelopment Agency, the City and SWD Partners, LLC. (FOR POSSIBLE ACTION)** (Time: 3:27 p.m.)  
(HEARD AFTER AGENDA ITEM 9.2)

An agenda item from Assistant Community Services Director Armando Ornelas recommending Council adopt the Resolution and approve the Disposition and Development Agreement (DDA). The Resolution makes certain findings and approves the sale by the Redevelopment Agency of a parcel 0.96 acres in size at 955 C Street improved with a parking garage (Project Property) to SWD Partners, LLC (Developer), as set forth in the proposed DDA. The Developer plans to renovate the existing parking garage and construct a new high-density apartment building, currently referred to as The Deco, on the Project Property.

The Project Property has an appraised value of \$950,000. As compensation for the Project Property, the Developer will provide the entire first level of the parking garage (90+/- parking spaces, after restriping) as public parking for a period of 50 years. The Developer will bear all costs associated with the development of the project and all costs for the maintenance of the dedicated public parking. The Deco project will provide a minimum of 175 and a maximum of 212 apartment units plus administrative offices, maintenance facility, lobby, clubhouse/gym, and swimming pool. All parking for project residents will be located on levels 2 to 4 of the parking garage.

Council Members stated their concerns of whether there will be adequate parking for existing businesses when the project is complete. Sparks City Engineer Jon Ericson and Traffic Works LLC Engineer Loren Chilson explained there was an extensive parking analysis that looked at parking, especially during peak times. The parking analysis also takes into account parking once the downtown project is complete and is fully built out. Mr. Chilson explained that during the peak time there will be an estimated excess of 260 spaces for parking in the area.

Mr. Witt said the goal is to provide a walkable high-density area. Mr. Witt stated there will be some methodology, including signage, to assure the lower level parking stays available for public use.

There is an approximate \$4,000 impact to the redevelopment revolving fund; there is no impact to the general fund.

The Public Hearing was opened at 3:58 p.m. Tom Young of Great Basin Brewing Co. said he likes the project but is concerned about parking. Bill Wagner spoke his concerns regarding the parking and people, especially seniors, having to walk farther when the project is done.

A motion was made by Council Member Abbott, seconded by Council Member Bybee, to adopt Resolution No. 3329 approving the Redevelopment Agency's sale of the parking garage at 955 C Street to SWD Partners, LLC. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

A motion was made by Council Member Abbott, seconded by Council Member Dahir, to approve the Disposition and Development Agreement with SWD Partners, LLC. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

**11. Planning and Zoning Public Hearings and Action Items**

**11.1 PUBLIC HEARING, consideration and possible approval to amend the Sierra View Town Homes Planned Development Handbook to revise various design and development standards and other matters properly related thereto for a site approximately 30.5 acres in size in the NUD (New Urban District) zoning district generally located south of Desert Highlands Drive, north and west of Los Altos Parkway, and east of Vista Boulevard, Sparks, NV. (PCN17-0028/PD17-0002) (FOR POSSIBLE ACTION) (Time: 4:26 p.m.)**

An agenda item from Development Services Manager Karen Melby recommending Council approve the amended final handbook. The handbook amendment applies to the Sierra View Town Homes Planned Development, consisting of a total of 30.5 acres and a proposed 45-lot town home development. Based on a slope analysis in the planned development handbook, the developable area is limited to 15.09 acres. The area to be improved for the 45 town home lots is 4.33 acres. The amendment proposes new architecture in a contemporary design for the town homes. The new design of the town homes is based on split level units which reduces the overall site grading. There is no impact to the general fund.

The Public Hearing was opened at 4:36 p.m. Developer Ken Krater spoke thanking staff for their work on the project. Mr. Krater requested the proposed private street be allowed to become a public street.

Community Services Director John Martini stated for the road to become a public street, the road would have to be widened and the cul-de-sac would need to be enlarged. Mr. Martini said for the conversation to be opened the agenda item for the proposed plan would need to be tabled so the Community Services Department would have time to review the proposal with the developer. Mr. Krater said he is ready to move forward with the project and will accept the Council's decision that the road remain private.

A motion was made by Council Member Bybee, seconded by Council Member Lawson, to approve the amendment to the final planned development handbook for Sierra View Town Homes associated with PCN17-0028 as the amended final handbook supports the findings as set forth in the staff report. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

**11.2 SECOND READING, Public Hearing, discussion and possible action on Bill No. 2729, amending Title 20 of the Sparks Municipal Code to revise definitions, permitted uses, landscaping, density, parking and design standards and providing other matters related thereto. (CA-3-17) (FOR POSSIBLE ACTION) (Time: 4:48 p.m.)**

An agenda item from Planning Manager Jim Rundle recommending Council approve the amendments to Title 20. The City of Sparks adopted the "new" Sparks zoning code in October of 2015. The city has now been using the amended Title 20 for over two years. Based on this experience, city planning staff have identified refinements and revisions. The code amendment changes to Title 20 to revise definitions, procedures, permitted uses, and landscaping, density, parking and design standards. The Sparks Planning Commission unanimously forwarded a recommendation of approval of the proposed changes to the City Council at its November 2, 2017 meeting.



Mr. Rundle proposed one amendment in the sign code to include language that states monument sign separation restrictions do not apply to drive through uses. There is no impact to the general fund.

The Public Hearing was opened at 5:07 p.m.; no comments were received.

A motion was made by Council Member Abbott, seconded by Council Member Lawson, to adopt Bill No. 2729 amending Title 20 of the Sparks Municipal Code and the amendment as presented. Council Members Abbott, Lawson, Smith, Bybee, Dahir, YES. Passed unanimously.

## **12. Comments**

### **12.1 Comments from the Public** (Time: 5:08 p.m.)

None.

### **12.2 Comments from City Council and City Manager** (Time: 5:08 p.m.)

City Manager Driscoll announced a vacancy on the Civil Service Commission for 1 member for a partial term ending June 30, 2019. Applications will be accepted until the close of business on Friday, January 12, 2018.

Council Member Dahir said the 39North event and the parade were awesome and thanked the Parks & Rec department for their work. Mr. Dahir said the homeless overflow shelter needs volunteers and interested parties can contact him at [kdahir@cityofsparks.us](mailto:kdahir@cityofsparks.us) and he will give them the information of how to volunteer.

## **13. Adjournment**

Council was adjourned at 5:11 p.m.

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GENO R. MARTINI, Mayor

ATTEST:

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Teresa Gardner, City Clerk

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