

**REGULAR CITY COUNCIL MEETING MINUTES**  
**2:00 P.M., Monday, October 24, 2011**  
**City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada**

**1. Call to Order** (Time: 2:01:51 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: 2:01:57 p.m.)

Mayor Geno Martini, City Clerk Linda Patterson, Council Members Julia Ratti, Ed Lawson, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Brian Allen, Tom Garrison, Andy Koski, Neil Krutz, John Martini, Jenny Lewis, Adam Mayberry, Teresa Gardner, Tracy Domingues, Dan Hamlin, Steve Davidek, Chris Syverson, Jon Ericson, Dan Marran, Shirle Eiting, Chris Cobb, Steve Driscoll, Jim Rundle, Armando Ornelas, and Donna DiCarlo.

**Invocation Speaker:** (Time: 2:02:14 p.m.)

The invocation was given by Pastor Rich Shannon from Sparks Christian Fellowship.

**Pledge of Allegiance** Time: 2:02:48 p.m.)

The Pledge of Allegiance was led by Council Member Ron Schmitt.

**Comments from the Public** (Time: 2:04:14 p.m.)

None.

**Approval of the Agenda** (Time: 2:03:35 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 Smith, seconded by Council Member Carrigan, to approve the agenda as posted. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Motion carried.

**3. Recommendation to Approve Minutes of**

**3.1 The Regular Sparks City Council Meeting of October 10, 2011** (Time: 2:07:37 p.m.)

A motion was made by Council Member Schmitt, seconded by Council Member Ratti, to approve the minutes of the Regular Meeting of October 10, 2011. Council Members Ratti, Lawson, Carrigan, Schmitt, YES. Council Member Smith, ABSTAIN. Motion carried.

**4. Announcements, Presentations, Recognition Items and Items of Special Interest:**

(Time: 2:05:57 p.m.\*) (\*This item was not on the agenda)

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Community Relations Manager Adam Mayberry introduced Corazon from UNR, who introduced a delegation of five visitors from Kirov, Russia.

### **4.1 Commendation to Don Otto** (Time: 2:08:34 p.m.)

Mayor Martini read a commendation to Don Otto in recognition of his efforts to keep his community clean by voluntarily pulling weeds along Queen Way from Pyramid Highway to North Truckee Lane.

### **4.2 Proclamation - Disability Awareness Month** (Time: 2:12:05 p.m.)

Council Member Ed Lawson read a proclamation naming October, 2011 as Disability Awareness Month in recognition of those committed to providing support and services to enhance the lives of people with disabilities. The proclamation was accepted by V.K. Raman of the Sparks Advisory Committee for the Disabled.

### **4.3 Proclamation - National Pharmaceutical Technicians Day** (Time: 2:14:48 p.m.)

Mayor Martini read a proclamation naming October 25, 2011 as National Pharmaceutical Technicians Day, in recognition of pharmaceutical technicians who assist pharmacists by preparing and delivering medications; maintaining inventory; packaging and labeling prescriptions, chemicals, and other pharmaceutical preparations. The proclamation was accepted by Karen Powell, the Pharmacy Director at the Milan Institute.

### **4.4 Proclamation - Community Planning Month** (Time: 2:17:58 p.m.)

Mayor Martini read a proclamation naming October 2011 as Community Planning Month in recognition of the valuable contributions made by professional community and regional planners and their commitment to public service. The proclamation was accepted by Andy Durling, Northern Nevada Director of the American Planning Association.

## **5. Consent Items:** (Time: 2:21:36 p.m.)

Consent Items 5.3, 5.5, and 5.7 were pulled for discussion and separate vote.

A motion was made by Council Member Smith, seconded by Council Member Ratti, to approve Consent Items 5.1, 5.2, 5.4, and 5.6. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Motion carried.

### **5.1 Report of Claims and Bills approved for payment and appropriation transfers for the period September 22, 2011 through October 5, 2011**

An agenda item from Finance Director Jeff Cronk recommending approval of the Report of Claims and Bills as outlined.

### **5.2 Consideration and possible approval of an application for a gaming license for Northpointe Sierra, Inc. dba Alamo Casino-Sparks TA, located at 200 N. McCarran Blvd., Sparks, NV, submitted by Mr. Robert Alan Cashell, Jr.**

An agenda item from Police Chief Steve Keefer recommending the City Council approve a Gaming License for Alamo Casino, contingent upon the location being inspected and approved by every city, county, district, and state agency having jurisdiction over the matter and upon

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fingerprints being returned from the FBI/CJIS that do not reflect any disqualifying arrests/convictions, and upon issuance of a gaming license by Gaming Control Board. The license will provide \$15,840.00 annually for 38 penny, fifteen quarter, and 72 multi-denominational slot machines, three blackjack tables, and one Texas-Hold 'em table.

### **5.3 Consideration and possible approval of a Professional Services Contract with Stantec Engineering to develop and design the Golden Eagle Little League fields in the amount of \$83,242 (Time: 2:22:53 p.m.)**

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council award a contract to Stantec Engineering to develop and design the baseball fields. The proposal is for the design for improvements for two additional fields and consists of additional sports lighting, scoreboards, synthetic turf, field fencing, and oversized dugouts that will allow for play by disabled youth. The design also includes a permanent restroom facility. This project was budgeted in the 2011/2012 CIP.

In response to questions from Council, Mr. Cobb noted that these two fields will be behind the two existing fields. The contract is for the design of the fields as well as the hardscape improvements, the restrooms, the electrical and irrigation designs. When the other ball fields were built, this portion was not designed, but the pads were graded. The artificial turf for the fields will be part of the construction contract.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve a Professional Services Contract with Stantec Engineering to develop and design two Little League fields at the Golden Eagle Reginal Park. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Motion carried.

### **5.4 Consideration and possible award of the purchase of two TimberForm play structures for Maldonado Park, to Park Pacific, in the amount of \$68,490**

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council approve the purchase of two play structures for Maldonado Park. This play equipment will replace the existing deteriorated structures currently installed at the park. TimberForm play structures are the standard equipment for all City of Sparks Parks. The Funding for this equipment is coming from Park Construction Tax District 2 Fund 1407 and was budgeted in the 2011/2012 CIP.

### **5.5 Consideration and possible approval of a Professional Services Contract, to H & K Architects, for architectural design services to complete the Municipal Court Courtroom Functional Remodel Project, in the amount of \$30,000 (Time: 2:24:56 p.m.)**

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council award a contract to H & K Architects to provide the City with architectural and engineering design documents for the remodel of the two courtrooms at the Sparks Municipal Court. The design will consist of new finishes, public seating, new Judges Bench, area for the court reporter, new witness bench, upgraded electrical and new lighting. Funding is available for this contract.

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In response to questions from Council, Mr. Cobb noted this project is in the Capital Improvement Projects plan, but it is being funded from fees and fines that are collected through the court system that will not only design but also fund construction of the project.

Mr. Schmitt asked that in light of the litigation between the City and the court, was it appropriate for the City to be approving the expenditure of these funds. City Attorney Adams stated that as long as the expenditures were line items in the City's budget, there shouldn't be any problem. He stated that the injunction against the City did not address capital improvements or obligations relating thereto, so his opinion was that the City had a legal obligation to approve appropriate expenditures for the Municipal Court.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve a Professional Services Contract, to H & K Architects, for architectural design services to complete the Municipal Court Courtroom Functional Remodel Project. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Motion carried.

### **5.6 Consideration and possible approval of Final Subdivision Map for Pioneer Meadows Village 7 B&C, Phase 1**

An agenda item from Assistant Director of Community Services John Martini recommending the City Council approve a final subdivision map for Pioneer Meadows Village 7 B&C, Phase 1. The map will create 80 residential lots within the Pioneer Meadows Planned Development and will be generally located south of Rolling Meadows Drive and west of Wingfield Hills Road. The final map and civil improvement drawings have been reviewed by the Community Services Department and have been found to be acceptable. The appropriate plan checking and inspection fees have been paid. A performance bond has been filed with the Community Services Department to guarantee the construction of the public improvements.

### **5.7 Consideration and possible approval of a revision of accounting policies to comply with Governmental Accounting Standards Board Statement No. 54 (GASB 54) (Time: 2:28:37 p.m.)**

An agenda item from Financial Services Director Jeff Cronk recommending the City Council approve a revision of accounting policies to comply with GASB 54. The Financial Services Department is currently closing the books for the 2010-2011 fiscal year and are working with the external auditors to complete the audit and preparation of the Comprehensive Annual Financial Report (CAFR). Fiscal year 2010-2011 is the initial year of implementation of the Governmental Accounting Standards Board Statement No. 54 (GASB 54). During the year-end close and audit process, the Financial Services Department and external auditors have come to the conclusion that the City's current flow of funds policy should be reversed due to practical financial management and presentation purposes. In order to maximize the City's flexibility to utilize the various sources of funds as they are intended to be used, the Financial Services Department is recommending that the fund balance category of spending priority be reversed so that the flow of funds will generally flow first from the more restrictive fund balance categories first followed by the lesser restrictive fund balance categories as follows:

1. Restricted Funds
2. Unrestricted Funds

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3. And then from amounts within Unrestricted fund balance categories in the following order:
  - a. Committed;
  - b. Assigned;
  - c. Unassigned.

Council Member Schmitt asked Mr. Cronk to explain the requested change in policies. Mr. Cronk stated gave a brief explanation, stating that after implementing the new policies, staff discovered that the policy relating to expenditure of funds was causing some problems. He emphasized that either way is compliant with GASB 54 and he is simply asking the Council to reverse the policy with regard to expenditure of funds.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve a revision of accounting policies to comply with Governmental Accounting Standards Board Statement No. 54 (GASB 54). Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Motion carried.

### **6. General Business:**

#### **6.1 Presentation, discussion, and possible direction on the closure of the Sparks Sustainable Services Initiative (SSSI) project (Time: 2:34:02 p.m.)**

Assistant City Manager Steve Driscoll explained that staff is now asking the Council to officially close the SSSI project that was started approximately 10 months ago. He stated there were multiple components of this project that became part of the budget cycle and resulted in the reorganization of several departments; outsourcing or reduction of some city services; and other on-going measures to make the City of Sparks stable financially and organizationally.

He reviewed the project as outlined below:

- A determination was made that our spending streams were not sustainable—we would not be able to continue that spending rate over time
- The Council gave permission for staff to look at department structures and competition of services (outsourcing)
  - The initiative also looked a pay structures which resulted in re-negotiation of labor agreements
  - The initiative examined shared services opportunities
  - The revenue structure was also examined
    - 96% of all city revenues are controlled by someone else
- Citizen groups were asked for input into the initiative
- Staff kept up continuous communication with employees regarding the results of the initiative
- The results of the initiative included
  - Consolidation Public Works and Community Development into a single Community Services department
  - Incorporated the parks maintenance function into the Community Services function
    - 17 positions were eliminated

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- Operating Budget was reduced \$2.2 million on an on-going basis
- Street sweeping was outsourced

Mr. Driscoll stated this project was designed to change how we do business and staff feels that this effort has been successful. The city has also been recognized by the ICMA and the Alliance for Innovations as a “best practices” for the work we did on sustainability and the core services analysis we conducted as part of this initiative.

Mr. Driscoll stated that staff has completed the milestones of this project and they are now part of our “culture” and are on-going operational components of our day-to-day management of the City and therefore, staff considers this project closed and we are asking Council to confirm that this project, as designed, is complete.

Council Member Schmitt asked how this initiative would work for future years. Mr. Driscoll stated that this project made a cultural change in how we do business and set up prioritization of core services as a foundation for future discussions. If, in a future budget cycle, we determine that our revenues will not sustain an expense stream we have in place, under the direction of the City Manager, we can determine a reduction that might be needed in expenses and then use that prioritized system to make changes in the final budget. This system will remain in place for future budget planning.

The Mayor, Council and the City Manager commended the staff for all their hard work which resulted in a successful effort with regard to the SSSI project.

Although this is not a public hearing item, Ms. Kathy Brandhorst made a request and was allowed to speak on this item.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to accept the staff report on the Sparks Sustainable Services Initiative (SSSI) project and declare the project completed and closed. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Motion carried.

### **6.2 Presentation and possible acceptance of the donation of a joint venture firefighting foam unit from Kinder-Morgan Energy Partners (Time: 2:49:44 p.m.)**

Division Chief Tom Garrison noted that in order to assist in the risk management of the petroleum bulk storage and distribution facilities in Sparks, a cooperative effort between the Sparks Fire Department (SFD) and Kinder-Morgan Energy Partners (KMEP) was started approximately four years ago. The result of this partnership was the creation of a self-propelled injection foam unit. At essentially no cost to the citizens or City, an SFD brush truck scheduled for surplus was used as the platform to carry a flatbed foam unit module designed and paid for by KMEP. Chief Garrison recognized the businesses that assisted in this effort, stating this was a model of private/public partnership and they type of “out of the box” thinking that saves the City money while allowing us to provide services to our citizens.

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Chief Garrison thanked the council for attending a demonstration of the equipment earlier today and noted that there was a Memorandum of Understanding (MOU) between the Fire Department and Kinder-Morgan that still needed to be signed with regard to the use of this equipment.

Mayor Martini and members of the Council commended the Fire Department for this public/private partnership.

A motion was made by Council Member Ratti, seconded by Council Member Lawson, to accept the donation of a firefighting foam unit from Kinder-Morgan Energy Partners, pending their signature on the MOU. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Motion carried.

### **6.3 Consideration and possible rejection or affirmation of bid protest concerning City of Sparks Bid #11/12-004 - 2012 Permanent Patch program (Time: 2:57:05 p.m.)**

Contracts and Risk Manager Dan Marran and Senior Assistant City Attorney Shirle Eiting reviewed the bid protest, stating that this was the first bid protest to come before the Council in his six years with the City and by law, the City Council was the only body that can affirm or reject this protest.

He noted the bid was for the 2012 permanent patch program. Two bids were received and they were within \$3,500 of each other. Shortly following the bid opening, the City followed new procedures, which came as a result of the last Legislative session and which resulted in us issuing a formal recommendation to award the bid to the lowest bidder, Q&D Construction, and to post this recommendation on the City's web site. We received a written protest of the bid award from West Coast Paving within the allowed time frame and NRS requires that a formal protest be followed before any other legal remedies are sought.

Mr. Marran noted the details of the bid protest are contained in the attachments to the staff report, as well as the response from Q&D Construction, and both bidders are in attendance, along with their legal counsel.

Mr. Marran stated the protest is made specific to the responsiveness of the low bidder. In public works projects you hear a lot about the lowest responsible and responsive bidder and there are subtle differences between the two. A bidders responsibility has to do with their ability to perform a contract—their financial backing; their capacity to do a particular job given current manpower; if they have any poor performance records that are documented; etc. At issue today is the responsiveness of the bidder—the timeliness of documents; whether they crossed the “t’s” and dotted the “i’s” and signed the bid documents. The specific question is in regard to the subcontractor list. There have been recent changes in the law with regard to how the subcontractors must be listed on the bid. It now requires the general contractor to list themselves on the list of subcontractors and other local entities have also had difficulty with implementing this new requirement.

Mr. Marran explained that at the time they bid, general contractors are required to submit a 5% list—that is any subcontractor on the job that will be doing 5% or more of the job have to be

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listed on a list at the time they bid. The NRS then allows for any of the three lowest bidders to then submit a 1% list—those performing 1% of the job, within two hours of the bid opening. The purpose of this is to discourage what is referred to as bid shopping. This is a practice that has occurred in public contracting where a general contractor may list a number of subcontractors and when it looks like they are going to get the job, they may go out and shop for an even cheaper subcontractor, thereby making an additional profit. The whole reason for a subcontractor list is to somehow discourage bid shopping, so that the public agency knows who is supposed to be on the job and what their pricing was based upon at the time of bid.

This protest is about the relative difference between the 5% list and the 1% list. Some contractors are interpreting this requirement to mean that the 1% list should include the smaller subcontractors, but then repeating all those that were listed on the 5% list—repeating the data.

West Coast is protesting the fact that Q&D did not repeat information on the 1% list that was already made quite clear in their bid. In this case, both bidders were clear at the time they submitted their bid they both submitted their 1% lists at the time of bid—they did not wait two hours—so they were both timely and responsive in that regard. Q&D is clear in their 5% listing that they intend to do all the work except the striping. On their 1% list they then indicate who the striping contractor is. The value of that work is actually less than 1% of the bid. Their bid makes it clear to the City who will be doing all the work and that no bid shopping is possible.

Mr. Marran stated that staff concludes that Q&D is in substantial compliance with the purpose of NRS 338.141, which has been established to discourage bid shopping by general contractors after it is apparent that they are in a position to potentially win a public contract. Therefore, staff is recommending that this protest be rejected.

Mr. Philip Kreitlein, Esquire, representing West Coast Paving and Mr. Jeff Sander, President of West Coast Paving presented their protest, stating the issue is the difference between the 5% list and the 1% list. Mr. Kreitlein stated the City of Sparks bid instructions make it very clear what the bidding contractors need to do to be considered responsive to this bid: “subcontractors and general contractors who self-perform in amounts exceeding 1% of bid amount or \$50,000.00, whichever is greater.” This is what West Coast Paving did... they listed themselves as a 1% subcontractor on the 1% list. He said the City of Sparks was aware of this issue or this language would not be in the bidding instructions. Therefore, they are maintaining that Q&D should have also listed themselves as a self-performing general contractor on the 1% list, like West Coast Paving did. Mr. Kreitlein said their argument is that any ambiguity in the state statute was alleviated by the bid instructions.

Mr. Paul Georgeson, Esquire, representing Q&D Construction, and Lance Semenko, Vice President of Q&D Construction presented their response to the bid protest. Mr. Georgeson stated he has been dealing with this issue since SB268 passed, along with AB144, which are two of the provisions that passed the State Legislature this session that deal with public bidding. He said that before the this legislation was passed a subcontractor identified on a 5% list would not again need to be re-listed on the 1% list because if they were on the 5% list they were clearly doing more than 1%. He said the bill did not change any of the language regarding the 5% list or the 1% list. It basically just said that if you are a general contractor, you now have to do with

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yourself the same thing you were doing with a subcontractor. He said the consensus with public agencies has been that if the general contractor lists themselves on the 5% list, then clearly they are doing more than 1% and there is no need to list themselves again on the 1% list.

Mr. Georgeson said that Q&D followed both the letter and the spirit of the statute by identifying themselves as a subcontractor and making sure that they could not do bid shopping, etc. With regard to the claim by West Coast regarding the bid specifications, that is a repeat of what is in the statutes—if you are not on the 5% list, then clearly you are on the 1% list. Their argument is basically that you have to repeat same information on the 5% list on the 1% list. But this is not how it operated before the prime contractor had to do it and it is not the intent of the Legislature, nor is it the language of SB268. He said Q&D is obviously a responsible contractor and they have done a number of projects for the City over the years. They were the low bidder on this project and they met the requirements of SB268 and also of the bid specifications. He concluded that the bid protest should be rejected and Q&D should be awarded the job.

Council Member Lawson asked if the State has rendered an opinion on this. Mr. Georgeson stated that he is in the process of working on this. He said he is working with the Nevada State Public Works Board and they have taken a position consistent with the City's recommendation and most of the other local public agencies have also taken that same position, although RTC is unsure of their position.

Mr. Marran stated that with respect to the language of the bid documents, staff tries to make them as clear as possible; however, we also make no representation that an effort to fill out the bid forms is an issue of responsiveness. If we can determine that a contractor has given us all the required documents, then that is all we require. This policy is backed by NRS 338.141(4), which give two different reasons for finding a bidder non-responsive with respect to the subcontractor list: 1) failing to submit the list within the required time; and 2) providing subcontractors that are improper or disqualified by the state public works board. He stated from the information received it is clear that we received all the information that was available and we can certainly discern from it that there will be no shopping without going through the process for changing subcontractors.

Mr. Marran then responded to questions and concerns from council and clarified several issues. A lengthy discussion ensued regarding the options of the Council regarding this bid protest.

A motion was made by Council Member Ratti, seconded by Council Member Carrigan, to reject the bid protest made by West Coast Paving, Inc. concerning the bid for the 2012 Permanent Patch program. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Motion carried.

### **6.4 Consideration and possible award of the 2012 Permanent Patch Program, CIP #12-6000, Bid No. 11/12-004, PWP No. WA-2011-377, to Q & D Construction, Inc. in the amount of \$142,350 (Time: 3:37:05 p.m.)**

Transportation Manager Jon Ericson noted that this item had been discussed at length under the previous agenda item and he was available for questions.

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A motion was made by Council Member Smith, seconded by Council Member Lawson, to award of the 2012 Permanent Patch Program, CIP #12-6000, Bid No. 11/12-004, PWP No. WA-2011-377, to Q & D Construction, Inc. in the amount of \$142,350. Council Members Ratti, Lawson, Smith, Carrigan, Schmitt, YES. Motion carried.

7. **Public Hearing and Action Items Unrelated to Planning and Zoning:** None.

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

**8.1 Public Hearing, 2nd Reading, discussion and possible action of PCN11017 Bill# 2637, for the Galloway Living Trust, an ordinance to Rezone for a site approximately 17,511 square feet in size from I/T (Industrial/Transitional Overlay) zoning to I (Industrial) zoning generally located at 1933 Frazer Avenue (Time: 3:38:18 p.m.)**

Senior Planner Jim Rundle reviewed this rezoning request, stating this is a request to remove a zoning designation overlay upon an area of land which dates back to the City of Sparks' incorporation when it was developed as a residential area to house railroad employees. However, over time, development occurred on the north side, the railroad became busy and noisy, the interstate was constructed and the airport began to accommodate more and noisier airplanes. This caused the area to become less attractive to residential development and more attractive as an industrial area.

In 1981, an industrial zoning designation was established for this area. Because there was still residential in this area [known as Conductor Heights] a policy was established to ensure that the residential would be considered and all industrial uses had to go through a special use permit process before a use could be established. Mr. Rundle stated that the entitlement requirement makes some of these areas less attractive to development than other areas zoned industrial. He noted that the table below was included in the staff report and showed industrial uses that are allowed in the industrial area, but require a special use permit in the industrial/transitional overlay district:

<b>Industrial Use</b>	<b>Industrial Zoning District</b>	<b>Industrial/Transitional Overlay District</b>
Auto and truck repair	Permitted	Permitted by Special Use permit
Indoor Manufacturing	Permitted	Permitted by Special Use Permit
Indoor Fabricating	Permitted	Permitted by Special Use Permit
Indoor Processing	Permitted	Permitted by Special Use permit
Building and landscaping materials supplier	Permitted	Permitted by Special Use Permit
Concrete or asphalt production	Permitted	Permitted by Special Use Permit
Contractor shop	Permitted	Permitted by Special Use permit
Fleet Services	Permitted	Permitted by Special Use Permit
Freight terminal	Permitted	Permitted by Special Use Permit
Machinery and heavy equipment sales and services	Permitted	Permitted by Special Use permit
Mini Warehouse	Permitted	Permitted by Special Use Permit
Outdoor Storage	Permitted	Permitted by Special Use Permit
Parking lot	Permitted	Permitted by Special Use permit
Public utility and installation	Permitted	Permitted by Special Use permit
Recycling Plant	Permitted	Permitted by Special Use Permit
Research and Development	Permitted	Permitted by Special Use Permit

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<b>Industrial Use</b>	<b>Industrial Zoning District</b>	<b>Industrial/Transitional Overlay District</b>
Transfer Station	Permitted	Permitted by Special Use permit
Truck Stop	Permitted	Permitted by Special Use Permit
Vehicle towing and storage facility	Permitted	Permitted by Special Use Permit
Wholesale distribution	Permitted	Permitted by Special Use permit
Warehousing	Permitted	Permitted by Special Use Permit

Mr. Rundle noted that the parcel under discussion today would require a special use permit for all of these uses. The owner of the property is therefore requesting to rezone his property from the transitional overlay designation to Industrial.

It is staff's opinion that the overlay has effectively managed the transition of the area from a residential neighborhood over the last 30 years and staff is supporting this request, along with the Sparks Planning Commission.

Council Member Lawson asked if there was currently occupied residential adjacent to the parcels being rezoned. Mr. Rundle stated there is residential to the east of the property, but he cannot verify whether it is being utilized as residential or not. The property owner was notified of the request, but staff cannot verify that the tenants of the property were notified by the owner. He noted that he has not received any protests regarding the requested zone change and there were no protests at the Planning Commission meeting.

Council Member Ratti asked if the entire area had the transitional overlay. Mr. Rundle referred to the map in the staff report and said the light blue has the overlay and the purple is zoned industrial. Ms. Ratti commented this is a Redevelopment Agency area that doesn't have a master plan and the airport has been purchasing residences because of noise issues. She asked if this was a significantly more residential area when the overlay was put in place. Mr. Rundle stated that in 1981, when the overlay was put in place there was significantly more residential than there is now. Ms. Ratti asked when it would be time to convert the entire area to Industrial and remove the transitional overlay. Ms. Rundle stated this might be something the Council would ask staff to look into.

Mayor Martini opened the public hearing and asked if anyone wished to comment on the proposed ordinance.

- Mr. John Galloway, the applicant, noted the transitional overlay was not a problem until the recent downturn in the economy and the long vacancy of the property, which triggered the special use permit. He stated that in this area there are some properties that already have the transitional overlay removed. He stated that for the most part the people who still live in this area have accepted the industrial nature of the area.
- Mr. Glenn Pierson stated that the whole transitional overlay should be removed and the area should be zoned industrial to give the property owners security regarding the zoning of their properties. He said businesses won't make major investments unless they know what the zoning of a property will be.

There being no further comment, the public hearing was closed.

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Council gave direction to staff to look into removing the overlay so that special use permits would not be necessary in this area.

A motion was made by Council Member Smith, seconded by Council Member Ratti, to adopt Bill No. 2637 (Ordinance No. 2456) and approve the Rezoning request associated with PCN11017 to rezone approximately 17,511 square feet 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. Motion carried.

**9. Comments:**

**9.1 Comments from City Council and City Manager** (Time: 3:48:43 p.m.)

Council Member Carrigan requested an informational item on the next agenda regarding the Washoe County Animal Control program and how they are using their funding from Sparks that a spokesman for Washoe County be available for this discussion.

**9.2 Comments from the Public** (Time: 3:49:34 p.m.)

Ms. Kathy Brandhorst discussed various issues.

**10. Adjournment** (Time: 3:53:08 p.m.)

There being no further business, the meeting was adjourned at 3:53 p.m.

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Mayor

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City Clerk

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