

REGULAR CITY COUNCIL MEETING MINUTES
2:00 P.M. Monday, April 13, 2009
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

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

The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 2:02 p.m.

2. *Roll Call (Time: 2:01:07 p.m.)

Mayor Geno Martini, City Clerk Linda Patterson, Council Members Julia Ratti, Phillip Salerno (joined meeting at 2:10 p.m.), Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Invocation Speaker: (Time: 2:01:22 p.m.)

The invocation was given by Rajan Zed from the Universal Society of Hinduism. Mr. Zed requested that his prayer be entered into the minutes. His prayer has been submitted in written form and is hereby made a part of the record by being included in the meeting backup.

Pledge of Allegiance (Time: 2:04:23 p.m.)

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

Mayor Martini announced that Item 8.4 had been withdrawn from the agenda; however, anyone present wishing to speak regarding this item could do so under public comment.

***Comments from the Public** (Time: 2:06:03 p.m.)

Shirley Bertschinger expressed her opinion of the Lazy 8 Casino proposal, stating that this project is not compatible with the surrounding land uses.

Approval of the Agenda (Time: 2:05:22 p.m.)

Consideration of taking items out of sequence, deleting items and adding items which require action upon a finding that an emergency exists.

Item 8.4 was withdrawn from the agenda.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve the agenda as amended. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

3. Recommendation to Approve Minutes of:

3.1 Regular Meeting of March 23, 2009 (Time: 2:09:24 p.m.)

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve the minutes of the Regular Meeting of March 23, 2009. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

Regular City Council Meeting Minutes for April 13, 2009

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

4.1 **Commendation to Travis Wong** (Time: 2:09:47 p.m.)

Mayor Martini read a commendation for Travis Wong, the owner of Discount Pet Food & Supplies, in recognition of his generous donation of food to the Police Department's K-9 unit. Mr. Wong accepted the commendation and thanked the Council for the recognition.

4.2 **Commendation to Evan Wright, Commercial Pressure Washing** (Time: 2:11:49 p.m.)

Mayor Martini read a commendation for Evan Wright, the owner of Commercial Pressure Washing, in recognition of his generous assistance in using his services to help with graffiti removal in the City of Sparks. Mr. Wright accepted the commendation and thanked the Council for the recognition.

4.3 **Proclamation – Public Safety Telecommunications Week** (Time: 2:13:30 p.m.)

Mayor Martini read a proclamation naming April 12-18, 2009, as Public Safety Telecommunications Week in recognition of the service and expertise of our Emergency Communications Dispatchers. The proclamation was accepted by Dispatchers Shelly Ricketts, Joanna Bellamy and Mary Crandall on behalf of all the dispatchers.

4.4 **Proclamation – National DNA Day** (Time: 2:16: p.m.)

Council Member Ron Smith read a proclamation naming April 25, 2009, as the seventh annual National DNA Day in recognition of the Genetic Alliance and the role genetics plays in all human health. The proclamation was accepted by Robin Palmer, a certified genetic counselor with Northern Nevada Genetic Counseling (www.genesrus.net).

4.5 **Update on progress of the Tahoe-Pyramid Bikeway and expected 2009-10 sections in Sparks' sphere of influence** (Time: 2:18:38 p.m.)

Ms. Janet R. Phillips, Founder and President of the Tahoe-Pyramid Bikeway Project, provided the Council with an update of the overall project and the works in progress for 2009 in the Sparks area. Ms. Phillips emphasized that they can't build the bikeway without government partners and they need their partners to say, "If you build it, we will own it."

Mayor Martini asked what the big "push back" was with Storey County. Ms. Phillips said that a group of property owners for property due east of the water treatment plant (Story County Partners) did not want the trail to go through their property unless they could get, as a quid pro quo, a full road easement around the sewer plant, because they have no access to their land. There have been meetings with City staff, the property owners, and the sewer plant to see if this is possible. Another concern is who will own the easement, if it is granted.

5. Consent Items: (Time: 2:27:28 p.m.)

A motion was made by Council Member Salerno, seconded by Council Member Schmitt, to approve Consent Items 5.1 through 5.14. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

Regular City Council Meeting Minutes for April 13, 2009

5.1 Report of Claims and Bills approved for payment and the appropriation transfers are for the period March 5, 2009, through March 25, 2009

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

5.2 Consideration and possible approval of an application for an On Premises Alcoholic Beverage license for GMRI, Inc. dba The Olive Garden Italian Restaurant #1785, located at 1481 E. Lincoln Way, Sparks, NV, submitted by Ms. Elizabeth Charlene Abney

An agenda item from Police Chief Steve Asher recommending the City Council approve an application for an On Premises Alcoholic Beverage License for The Olive Garden. Ms. Abney currently holds licenses for the Olive Garden and Red Lobster restaurants in Reno. The license will provide a \$1, 000.00 annual fee plus \$1.00 per \$1,000.00 over \$50,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.3 Consideration and possible approval of an application for a Gaming license for Winner's Gaming, Inc. dba Vista Mart & Gas, located at 2995 Vista Boulevard, Sparks, NV, submitted by Mr. Robert Gene King

An agenda item from Police Chief Steve Asher recommending the City Council approve an application for a Gaming License for Winner's Gaming, Inc., doing business at Vista Mart & Gas. Winner's Gaming is a licensed Slot Route Vendor with several current gaming licenses of Terrible's locations in the area. The license will provide an \$840.00 annual fee for 7 multi-denominational, upright slot machines; contingent upon inspections and approvals from various agencies as stated in the staff report.

5.4 Consideration and possible approval of an application for a Cabaret license for Kiss It, LLC, dba Mama Rumba Salsa Cantina, located at 1955 Oddie Boulevard, Sparks, NV, submitted by Mr. James Joseph Gurnea Jr.

An agenda item from Police Chief Steve Asher recommending the City Council approve an application for a Cabaret License for Vixens. The license will provide a \$1,300.00 annual fee, plus \$1.00 per \$1,000.00 over \$50,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.5 Consideration and possible approval of the Judge Pro Tempore list for Municipal Court for calendar year 2009

An agenda item from Court Administrator Heidi Shaw recommending the City Council approve the following attorneys as Pro tempore Judges for the Municipal Court as follows: Dean Heidrich, Esq.; Michael Specchio, Esq.; Lewis S. Taitel, Esq.; Cheryl Field-Lang, Esq. These attorneys are utilized in the event that a Judge is unavailable to hear matters due to illness, vacation, mandatory judicial training, attendance at judicial conferences, and/or recusal from a case.

5.6 Consideration and possible approval of a Final Subdivision Map for Miramonte, Phase 4A

An agenda item from City Surveyor Andy Fuller recommending the City Council approve a Final Subdivision Map as submitted. This subdivision is a continuation of the Miramonte

Regular City Council Meeting Minutes for April 13, 2009

Planned Development and is generally located northeasterly of Los Altos Boulevard. This subdivision will create 121 lots on 133.7 acres. The current zoning is New Urban District and the developer will be Corona Miramonte, LLC. The map has been checked and the appropriate fees have been paid. A performance bond has been filed with the City Clerk to guarantee the construction of the public improvements.

5.7 Consideration and possible acceptance of the Interlocal Agreement with City of Reno: Repeat Offender Program

An agenda item from Police Chief Steve Asher recommending the City Council approve an Interlocal Agreement for the Repeat Offender Program (ROP). This program is aimed at identifying the small proportion of “career criminals” who are responsible to committing a disproportionately large number of crimes. Reno Police Department will administer the program and one detective from Sparks will be assigned to the unit full-time. In the past Sparks has participated in the program, but not full-time. Because the Washoe County Sheriff’s Office is no longer participating in the program, a new interlocal agreement was created so that the agreement could continue, even if one party removes itself from participation. There is no financial impact under the new agreement.

5.8 Consideration and possible acceptance of the Interlocal Agreement Establishing a Regional Sex Offender Notification Unit

An agenda item from Police Chief Steve Asher recommending the City Council approve an Interlocal Agreement for coordination and cooperation in law enforcement in the tracking, monitoring, investigation, public notification and prosecution of sex offenders. This agreement establishes a Regional Sex Offender Notification Unit as a means of maximizing coordination and cooperation and allows the unit to continue in full force and effect, even if one party removes itself from participation

5.9 Consideration and possible acceptance of the Interlocal Agreement Establishing a Multi-jurisdictional Gang Unit

An agenda item from Police Chief Steve Asher recommending the City Council approve an Interlocal Agreement reestablishing a gang unit composed of law enforcement personnel from various agencies, after the withdrawal of the Washoe County Sheriff’s Office from participation in the original agreement. The new interlocal agreement was created so that the unit could continue, even if one party removes itself from participation in the future. Reno Police Department will administer the program and two detectives from Sparks will be assigned to the unit. The gang unit is funded primarily by grant money, and Sparks has a relatively small additional obligation which will be paid from drug forfeiture proceeds. No money will be paid from the City’s general fund.

5.10 Consideration and possible acceptance of the Regional Street Enforcement Team Interlocal Agreement

An agenda item from Police Chief Steve Asher recommending the City Council approve an interlocal agreement for reestablishing a regional street enforcement team (SET) to deal with street crime in downtown Reno and in problem neighborhoods throughout the area, due to the withdrawal of the Washoe County Sheriff’s Office from the program. The new interlocal

Regular City Council Meeting Minutes for April 13, 2009

agreement was created so that the unit could continue, even if one party removes itself from participation in the future. Reno Police Department will administer the program with an Advisory Board of local law enforcement agency heads.

5.11 Consideration and possible approval of a Letter of Consent with regard to Somach Simmons & Dunn's representation of the Western Regional Water Commission, as well as the Cities of Reno and Sparks, with regard to the total maximum daily load for nitrate and phosphate on the Truckee River

An agenda item from Civil Engineer Janelle Thomas recommending the City Council grant approval for Somach, Simmons & Dunn to represent the Western Regional Water Commission (WRWC) with regard to the effort to revise the discharge standards for the Truckee River. The law firm has indicated that although the firm has been retained by the Cities of Reno and Sparks to represent them on a range of water quality matters, they do not have a conflict of interest with regard to representing the WRWC. However, the law requires that the proposed representation of the WRWC be disclosed to the firm's clients and that the firm obtain written consent from those clients to represent WRWC. In the event of a conflict, the firm will withdraw from representing WRWC and will continue to advise and represent the Cities. Council is asked to approve this arrangement by signing a letter of consent.

5.12 Consideration and possible approval of the City of Sparks' Five-Year Capital Improvement Plan (CIP) for Fiscal years beginning July 1, 2009

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve adopt the CIP as prepared by City Staff. Staff has been working to identify and utilize appropriate funds available to maximize capital improvements within the City. The plan includes an executive summary; a listing of the proposed project categorized by funding source; the vehicle replacement and deferred replacement plans; and a brief description of each project. All projects listed are subject to the City Manager's recommendations and City Council approval of the final budget.

5.13 Consideration and possible approval of a Professional Services Contract with HDR Engineering, Inc., for prevailing Wage Report Review in Support of Construction of the Legends at Sparks Marina Project

An agenda item from Community Development Director Neil Krutz recommending the City Council approve a contract for buildings B, C, D, E, F, and R in the Legends at Sparks Marina project. These buildings are currently under construction and that construction will be paid for using a variety of public funds (STAR and LID bond proceeds). These types of public financing require that prevailing wages be paid and obligates the City to review the wage reports to ensure that prevailing wages are paid for construction of the project. Staff is moving the wage report services from a previous consultant to HDR Engineering for this portion of the project. The anticipated cost for these services is \$73,080.00, which is reimbursable from STAR bond proceeds.

5.14 Consideration and possible award of contract for Golden Eagle Regional Park Concessions RFP #08/09-22 to SES Nevada LLC

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council

Regular City Council Meeting Minutes for April 13, 2009

approve a contract with SES Nevada, LLC, for concessions at the Golden Eagle Regional Park. Bully's operated the concessions for the 2008 season; however, the plan they submitted for future concessions included extensive remodeling. An RFP was distributed to determine interest from other contractors. Bully's bid was less than half of the bid from SES and SES is willing to invest in the tenant improvements to the upstairs of the building. It is anticipated that the City will receive annual revenue of \$100,000.00 for the contract.

6. General Business:

6.1 **Consideration and possible acceptance of the 2009 Justice Assistance Grant (JAG) Formula grant funding to the Sparks Police Department from the U.S. Department of Justice, Office of Justice Programs in the amount of \$221,607** (Time: 2:28:23 p.m.)

Police Chief Steve Asher stated that the Police Department has an opportunity to apply for this grant through the Reno Police Department. He said they have to obtain approval from the Sparks Council in order to submit an application for the grant. The department will use the funds to purchase about 20 tactical kits for patrol officers to equip them to respond effectively to an active shooter situation. \$30,000 will be used to purchase a report writing program to enable officers to submit their reports from their patrol vehicles. Funds will also be used to enhance the department's web site and a "crime view software" program.

Council Member Carrigan asked if there were any matching fund requirements for this grant. Chief Asher replied, "Absolutely not." The department typically applies for this grant every year, but usually in much smaller amounts. This large amount is a one-time opportunity as part of the stimulus package.

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to accept the allotted grant award in the amount of \$221,607. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2 **Consideration and possible acceptance of a grant from the Truckee River Fund in the amount of \$500,000 for reconstruction of the Pioneer Diversion irrigation structure on the Truckee River near the Greg Street Bridge** (Time: 2:32:46 p.m.)

Flood Control Manager Shaun Gooch noted that this is the second grant we would be receiving from this fund. We previously received \$250,000 design and permitting in July of last year. The Pioneer Diversion structure is one of the older diversion structures in this area and every year they (farmers and University personnel) have had to shore up the structure or do other emergency work during the spring runoff events. With this grant, the city will be able to start reconstruction of the structure in July of this year with completion sometime in October. When the project is completed, we will have a much better system in terms of fish passage and environmental issues with regard to water quality.

Mayor Martini asked if this work will improve flood control. Mr. Gooch stated it will bring flood conditions back to where they are supposed to be, but does not improve the overall flood

Regular City Council Meeting Minutes for April 13, 2009

control model. There may be some local improvement due to moving the structure upstream about 700 feet.

A motion was made by Council Member Salerno, seconded by Council Member Ratti, to accept the grant from the Truckee River Fund in the amount of \$500,000 for reconstruction of the Pioneer Diversion Irrigation structure on the Truckee River near the Greg Street Bridge as outlined by staff. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.3 Consideration and possible action on Appeal by Mr. Robert Covington of Sparks Building Department's Decision of Violation (Time: 2:36:49 p.m.)

Mr. Robert Covington referred to a statement that he asked the City Clerk to provide to the Council, stating that the only way he can be forced to have an easement on his property is: 1) if it is open and detritus and 2) easement by necessity. Mr. Covington maintained there was no necessity for the sewer easement to go through his property because the property owner can connect to the sewer system directly. Mr. Covington noted that the person who is purchasing the property has already agreed to connect to the sewer system directly.

Council Member Carrigan asked Mr. Covington for background information on this appeal. Mr. Covington stated that he is the owner of a two-story office building at the corner of Pyramid and "E" Street and there is an old shack next door to his building. The other building has been vacant, off and on, for 15 years and when ever the building next door is occupied, his sewer line backs up and floods his bottom floor. He finally had the sewer line dug up to find out what the problem was and discovered a sewer line coming across his property and connecting to his sewer line before the sidewalk. At that time he talked with the owner of the property. They discovered that there is no slope to the line going to the other property so the sewage builds up in the line and then when someone in his building flushes, it causes his lines to back up. The person who owned the other building was going through some financial problems and would not work with him. After talking with several plumbers, they could not guarantee the system would not back up in the future. Mr. Covington said he did not want the easement on his property, so he went to Countrywide (the owner of the property) and served them notice that he had terminated the sewer line and that they would need to disclose this in the sale of the property and discount the price accordingly. The property was originally listed at \$200,000 and it has now dropped to \$55,000.

Mr. Covington said he felt this issue had been handled among the property owners. The owner of the property behind his business is in the process of purchasing the subject parcel and plans to run the sewer line back through that property, rather than directly to the street. Mr. Covington stated he tried to resolve this problem by offering to purchase the property for \$70,000, but due to personal issues between them, the other property owner would not sell to Mr. Covington.

Mr. Covington stated the violation he was issued for altering a sewer line on a commercial property was incorrect—he did not alter a sewer line on a commercial property; he terminated a sewer line on a residential property which was encroaching on his commercial property. Mr. Covington said he has researched this issue; he has gotten legal advice and he knows exactly

Regular City Council Meeting Minutes for April 13, 2009

what he is doing and where he stands. He said he can't believe that the City Attorney has let this issue go this far and that it did not make sense that the City would get involved in suit that they would lose; especially when the issue has been handled in the public arena.

Council Member Schmitt stated he was under the impression that the sewer line is on public right of way. Mr. Covington stated the line runs across his property and there is no easement for the sewer line. He said he asked the City to prove to him that the sewer line was legally installed and/or that there is an easement; but the City couldn't do this. Council Member Schmitt asked if the other property owner has obtained a permit to hook into the other sewer line. Mr. Covington stated the escrow has not closed because the other property is in foreclosure and the transaction longer than normal.

Council Member Smith asked how long the sewer line has been in the ground and how long Mr. Covington has owned the property. Mr. Covington stated that the sewer line was probably 100 years old and he had owned the property for 25 years. Council Member Smith asked Mr. Covington whether he considered shutting off the other sewer line as altering the sewer line. Mr. Covington stated he did not alter his sewer line, he shut off the other line, which is a residential line. He stated he was served a notice for a code violation for a commercial property.

Council Member Carrigan asked what the City did that Mr. Covington did not like. Mr. Covington said the City served him with a code violation notice, telling him he needed to get a permit before he could terminate the other sewer line. He said the City said they would not give him a permit because it was a legally established line. Mr. Covington said that the City does not have an easement or proof that the sewer line was legally established; therefore he will not allow the line to run across his property any longer—that is why the City came up with the code violation.

Council Member Ratti asked if Mr. Covington had requested a permit and was denied. Mr. Covington said he did not file for a permit. He talked to the City Attorney's Office and to one of the inspectors who served the notice of violation and he was told that of course the City would not issue a permit to terminate the line. He said he had already terminated the line before he spoke to the City employees—someone had notified the City that the line had been terminated and that is when the City became involved. Ms. Ratti asked what action the City was asking Mr. Covington to take. Mr. Covington stated that what he expects to happen is that the City will start fining him per day until the line is reconnected—in which case, he will file an injunction and go forward from there.

Assistant City Attorney Doug Thornley stated the issue is not whether the sewer line is legally established—the Council does not have the authority to make that determination and neither does Mr. Covington. A judge of competent jurisdiction would be the only person to make that determination. This issue today is whether or not Mr. Covington violated the building code by not pulling a permit before he altered a sewer line. He has admitted that this is the case. Whether or not the line was legally established, has no bearing on the analysis today. If Mr. Covington wanted to alter his own sewer line, he still would not be able to do it without asking for a permit. It does not matter whose line it is, or whether the line was legally established—the

Regular City Council Meeting Minutes for April 13, 2009

issue is whether or not he got a permit—which, of course, he would not get because we do believe it is a legally established (the City Surveyor will discuss this later).

Mr. Thornley stated that under Title 7 of the Sparks Municipal Code, building code violations of this nature also become a nuisance. Mr. Covington has also been cited for a nuisance. A nuisance can be pursued in three ways—as a criminal complaint (a misdemeanor); as an abatement proceeding (which is what we are asking Mr. Covington to do—reconnect the line until such time as he can work out the property dispute with his neighbor); or both ways, simultaneously. As a misdemeanor criminal complaint, it is a separate offense for each day that this condition persists. Mr. Covington was originally cited on November 25, 2008, and to date he has not reconnected the line. That is approximately 139 separate misdemeanor complaints. Under the same provision of the Sparks Municipal Code, the City Council, if it chooses to uphold the violation today, can give Mr. Covington 10 days (or longer if they wish) to abate the nuisance. If Mr. Covington does not abate the nuisance, the City can then file, in a court of competent jurisdiction, for an injunction or an order authorizing the abatement process. If the City is forced to undertake the abatement process, Mr. Covington will be liable for the contract costs of doing the work, plus a 15% administrative fee.

Council Member Schmitt noted that he is familiar with this problem because there was a similar situation in his ward; however, that situation was resolved without going to court. His concern was with regard to the health hazard this situation is causing. He felt we should not be holding this property owner responsible for someone else's problem. Mr. Thornley stated he empathized with Mr. Covington's situation; however, Mr. Covington did not follow the proper procedures—he should have asked a judge to declare it was an illegal line and then he could have taken action. Regardless of the situation, we can't have people cutting off access to the sewer. Mr. Thornley noted that the City has offered to waive the new hook up fees if the property owner chooses to hook up the sewer line at a different point.

Council Member Smith commented that he felt Mr. Covington should re-connect the sewer line and go through the proper channels to get the other property owner to change the sewer hook-up.

Council Member Carrigan asked Mr. Covington why he did not get a court order before he disconnected the other sewer line. Mr. Covington said because he is within in rights—he researched it and there is no way he can be forced to reattach the sewer line. Mr. Covington said if this is not resolved his way today, he will be taking the issue to Court and if he loses in court then he will take it to the newspapers.

City Attorney Adams noted that it is not the City's job to advocate the legal rights of Mr. Covington. If Mr. Covington has health issues because of his neighbor, his legal remedies are to go to the health district and the district court. If Mr. Covington has questions regarding dedicated sewer lines—that is up to the court. The legal question today is whether the City wants to enforce its laws in a uniform manner or to simply allow individuals, for whatever reason, to cut off or cap sewer lines that are not theirs. This is the issue being presented to the City Council today—we are here to ensure that the laws are administered and enforced.

Regular City Council Meeting Minutes for April 13, 2009

Mr. Covington stated that he has worked this out with Countrywide and the potential purchaser and it did not make sense for the City to keep pursuing this just because one person, who doesn't like him, is pushing the City to do this. He said the only person who would loose is himself and he is the only one who has the teeth to pursue this. The City should just back off because this is being taken care of in the public sector.

Council Member Salerno said our job is not to decide who is right and who is wrong—if it is a health hazard, then the health department needs to be contacted. Mr. Covington disconnected it (the sewer line)—reconnect it—and then go through the proper procedures.

Community Development Director Neil Krutz responded to questions from Council, noting that while current codes requires each residence to have its own sewer lateral, a hundred years ago it was a common practice to have multiple hookups on the same sewer lateral. He said that throughout the older parts of town, this was a fairly common practice. In as much as each one of these types of situations is unique and has its own set of circumstances, the City does not have a set policy; beyond the obvious one of following the code.

In response to questions and concerns from Council, City Surveyor Andy Fuller reviewed the history of the property, stating this property was originally recorded as four lots. By 1907, all four lots had a common ownership and three structures were built on the property, crossing over lot lines. At that time, it is believed, all three structures were connected to a common sewer line, which is located in front of the property that Mr. Covington now owns. The structures (homes) were rented out by the original owner until his death in 1930, at which time the homes were sold by the courts to the persons who were renting the homes. The deeds that were created by court order grant the structures into lots and include all appurtenances thereto (including all utility connections). The deeds, therefore, grant (by prescriptive right) a common connection for all three structures. Mr. Fuller said there is a sewer main that runs through the alley between E and F Streets and the northerly structure has since connected into that sewer main. However, Mr. Covington's property and the middle parcel (509) still had a common connection—which Mr. Covington terminated. Mr. Fuller emphasized that what was unknown to the purchasers when they acquired the property in 1935 was that the deeds, by bonified right, gave a prescriptive easement for the sewer line to exist.

Council Member Ratti stated she is acquainted with the problems relating to older homes in Sparks and she felt it was not the City's role to get involved in disputes between property owners. She commended Mr. Covington for trying to work this out with his neighbor, but the issue is that the reason we ask people to pull a permit if they are going to do construction is so that we can evaluate what was done in the past. She said that because the property is in escrow and a potential solution has been worked out, the City could be flexible in allowing a little more time for the situation be resolved. However, beyond a short time extension, the City should enforce the code.

Council Member Carrigan asked Attorney Thornley if the Council had the ability to give Mr. Covington an extension of time. Mr. Thornley stated that the Council had the ability to ask Mr.

Regular City Council Meeting Minutes for April 13, 2009

Covington to abate the violation in 10 days or any reasonable period the Council chose to set. A discussion was held regarding what the length of time would be appropriate.

Attorney Thornley stated that because the judicial system moves slowly, he is requesting that if Council chose to give Mr. Covington a time extension, they incorporate into their motion a caveat that if Mr. Covington has started the court order process, but it has not yet reached its conclusion (by the end of the extension), that Mr. Covington be allowed to ask for an additional time extension, if needed.

Council Member Ratti emphasized that it was important that this (sewer line) issue be resolved whether or not the pending foreclosure sale goes through. She also wanted it understood that Mr. Covington did not have 180 days to start the process, but 180 days to start and conclude the process of resolving this issue through the court.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to allow Mr. Covington a 180 day extension to give him time to correct the issue through the courts and if completed, the violation will be abated. If the process of correction is not completed in 180 days, Mr. Covington is required to come back before the Council to explain his failure to comply. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.4 Presentation, discussion and possible direction or approval of Federal, State, Nevada League of Cities and Local Legislative Affairs issues (Time: 3:22:53 p.m.)

Assistant City Manager Steve Driscoll and Administrative Analyst Kathy Clewett reviewed current legislative issues as follows:

- Friday was the deadline for all bills to be out of committee. They now have two weeks to get off the floor.
- AB443 – an amendment just came out. This is the ward election bill to establish separate ward elections. The amendment requests that the City of Sparks and City of Reno put a question on the ballot to ask voters about this situation.
 - Driscoll – this bill establishes a ward component by election. It asks Sparks to ask the voters if they want ward elections for both the primary and the general.
 - Carrigan – expressed concern that this directive was circumventing our Charter Committee
 - Schmitt – expressed concern that this would mean a person could be elected by a small majority in a ward rather than by a majority of all registered voters
 - Smith – concern that in some of the wards a person could get elected with only 100 votes and felt that it should go through the Charter Committee – against it.
 - Salerno – didn't we already vote to oppose this because it did not go through out Charter Committee?
 - Yes, but the wording was amended, so we need to vote on the amended wording

Regular City Council Meeting Minutes for April 13, 2009

- **A motion was made by Council Member Salerno, seconded by Council Member Smith, to oppose AB443. Council Members Salerno, Smith, Carrigan, Schmitt, YES. Council Member Ratti, NO. Motion carried.**
- AB458—establishes an education “rain day” fund utilizing or assessments from redevelopment.
 - Sparks has been neutral because the discussion and/or amendments are still fluid.
 - Being driven by the South because there are also issues with housing subsidies
 - Recommend “softly” opposing this (because it is taking money from the Redevelopment Agency) until such time as there is a final position between the local entities and the Speaker
 - Geno—we need to see where this bill goes. We would like to see no money carved out [of redevelopment], but we may have to settle for something—softly oppose
 - **A motion was made by Council Member Ratti, seconded by Council Member Schmitt, to mildly oppose AB458 as the amendments that currently exist will negatively affect our current redevelopment districts. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.**
- SB301—deals with military installations and planning coordination between the military and the local entities. In the amendment process the City of Reno put in permissive language allowing the consolidation of planning efforts in the local jurisdictions in Washoe County; however, this amendment did not go through. Our fear is that because this has to go through another “house” the amendment might come up again. If language comes up again for potential consolidation of our planning functions across the board, what does the Council want to do.
 - Shaun—this amendment is very short and it is enabling. However, the subject (planning, zoning, and building) is very complex and we want to make sure it would not damage the development plans, handbooks, etc. This change should be very deliberate and detailed to make sure it doesn’t create economic impacts.
 - Smith—Our MOU with Reno was not followed when they presented this to the Legislature without contacting Sparks.
 - The MOU does not require us to agree, but it does say we will be advised before it happens and we heard about it when it was walked into the committee.
 - Schmitt—this amendment set a wrong tone to the entire community—that one government agency is submitting legislation so that they can take over various essential services in our community.
 - **A motion was made by Council Member Ratti, seconded by Council Member Schmitt, to give staff general direction that if an amendment similar to this emerges in any other form or shape and there is no time to bring it back to Council, then staff should oppose it. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.**
- SB294 (Senator Lee) and SB399 (Senator Raggio)—both these bills propose studies to look at the total tax system; the allocation methodologies for consolidated taxes and property taxes

Regular City Council Meeting Minutes for April 13, 2009

- We have been working with Senator Lee to craft the bill as a study—it would not be an interim study as much as it would be a staff study. We have volunteered to participate on these bills with the big five cities and two large counties.
- Senator Raggio is looking at how the Interim Finance Committee would look at the same topic
- We have suggested that we would support those studies
- Staff is asking for direction to continue working on and be involved in those studies.
 - Schmitt—we have been asking for this for quite a while
 - Salerno—did Sparks’ bill draft get out of committee?
 - No, it did not. We had the option of bring it up for a vote or letting it die. There were not enough votes on the committee and politically it is better to let it quietly die rather than be withdrawn.
- **A motion was made by Council Member Salerno, seconded by Council Member Smith, to direct staff to continue working in the process; to actively participate in the studies; and report back on the results. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.**

6.5 Consideration of a Cooperative Fire Protection Agreement between the Sparks Fire Department and the United States Department of Interior, Bureau of Land Management (BLM), Carson City District Office (Time: 3:50:38 p.m.)

Fire Chief Andy Flock explained that agreement allows for local assistance from and to the BLM free for 12 hours. It also provides “assistance for hire” for all federal fires outside of the 1 mile boundary of the City of Sparks. This agreement is the same as the agreement we have had with the BLM for the past five years and there are no significant changes from the previous agreement, it simply extends the mutual cooperation for another five years.

A motion was made by Council Member Carrigan, seconded by Council Member Salerno, to approve the Cooperative Fire Protection Agreement between the Sparks Fire Department and the United States Department of Interior, Bureau of Land Management, Carson City District Office. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.6 Consideration and possible approval of allocating: \$15,000 to Nevada Hispanic Services for Cinco de Mayo; \$7,500 to Parks and Recreation for Arts in Bloom; \$7,500 to Roadshows, Inc. for Street Vibrations 2009 Spring Rally; and \$15,000 to Parks and Recreation for Farmer’s Market (Time: 3:52:55 p.m.)

City Manager Shaun Carey noted that this is our annual allocation of room tax revenues from the Reno Sparks Convention & Visitors Authority (RSCVA) which can only be used for the marketing and promotion of tourism in the City of Sparks and the operation and maintenance of capital improvements within redevelopment areas of the city. In light of the recent discovery of the overpayment of room tax monies by the RSCVA, the Tourism and Marketing Committee (TourMark) was not comfortable approving allocations in the amount provided in 2008. However, they did want to provide some funding to the event sponsors and therefore voted to

Regular City Council Meeting Minutes for April 13, 2009

allocate 50% of the amounts awarded in 2008 to the sponsors of the first four events of the season. The committee indicated they would discuss allocations further once a repayment plan has been established with the RSCVA.

Council Member Schmitt noted that the Council is approving expenditures of room tax funds per the opinion of the City Attorney.

Council Member Carrigan asked if there were plans to fund the other 50% for these events. It was noted that the TourMark Committee met this morning and voted to fund additional events at only 50% of what they received last year. We have to allocate funds based on availability, so if there are funds left over after the City reaches a resolution with the RSCVA on their overpayment of funds, there is a slight possibility that each event could receive additional funding.

A motion was made by Council Member Salerno, seconded by Council Member Carrigan, to approve the funding allocations as listed for the first four events of the 2009 special events season. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.7 Consideration and possible approval of the Water Rights Purchase and Sale Agreement as presented by staff for 8.25 acre-feet of water rights in the amount of \$111,375 plus one half of the closing costs, which is approximated at \$1,000 (Time: 3:57:17 p.m.)

Civil Engineer Janelle Thomas noted that staff is seeking direction from Council regarding the purchase of 8.25 acre feet of water rights at \$13,500 per acre foot from North Valley Holdings, LLC. The intent is to obtain water rights for the City's use in several potential areas to enhance water quality. Based on the current water rights market, the price of \$13,500 per acre foot is competitive and reasonable at this time.

Council Member Carrigan asked if these water rights were already permitted through the State Engineer's Office. Ms. Thomas responded that yes, they are.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve the Water Right Purchase and Sale Agreement as presented by staff for 8.25 acre feet of water rights in the amount of \$111,375 plus approximately \$1,000 in closing costs. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.8 Consideration and possible approval of the Water Rights Purchase and Sale Agreement as presented by staff for 26.53 acre-feet of water rights in the amount of \$358,155 plus one half the closing costs, which is approximately at \$1,000 (Time: 3:59:45 p.m.)

Civil Engineer Janelle Thomas noted that staff is seeking direction from Council regarding the purchase of 26.53 acre feet of water rights at \$13,500 per acre foot from Brighton Meadows I, LLC (21.61) and Truckee Meadows Water Research of Nevada (4.92). The intent is to obtain water rights for the City's use in several potential areas to enhance water quality. Based on the

Regular City Council Meeting Minutes for April 13, 2009

current water rights market, the price of \$13,500 per acre foot is competitive and reasonable at this time.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve the Water Right Purchase and Sale Agreement as presented by staff for 26.53 acre feet of water rights in the amount of \$358,155 plus approximately \$1,000 in closing costs. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.9 Consideration, Discussion and Possible Approval to Allocate Fiscal Year 2009-2010 Community Development Block Grant and General funds for public services activities through the Washoe County Human Services Consortium, Sparks Parks and Recreation Programs and homelessness prevention services at the Community Assistance Center Resource Center (Time: 4:00:36 p.m.)

Grant Administrator Tracy Wheeler explained that Washoe County Human Services Consortium (WCCHC) funding allocation cycle for FY 2009-2010 is underway and a total of 23 applications were received. Each jurisdiction participating in the consortium must determine the amount of grant funding to be allocated through the consortium process. Historically, the City has allocated the maximum percentage of its Community Development Block Grant (CDBG) funds allowed by regulation. The City has not received a funding notice for FY 2009-2010; however, to prevent any potential delays, staff is requesting that 15% of the CDBG funds the City will receive be allocated for contribution to the consortium and to allocate \$50,000 in general funds to the consortium for human services. Staff is also recommending that the Council designate and determine the set-aside of general funds for Sparks Parks and Recreation and the Community Assistance Center and how it shall be used.

Council Member Smith asked if we contributed \$25,000 from the General Fund every year. Ms. Wheeler stated that historically we have contributed \$50,000; however, due to the fact that we have had budget cuts and Parks and Recreation has had to seek grants to cover some of the programs, it has been recommended that we retain \$25,000 for our Parks and Recreation programs. There is also a recommendation to contribute \$25,000 to the Community Assistance Center (homeless shelter).

A motion was made by Council Member Ratti, seconded by Council Member Schmitt, to authorize the allocation of 15% of Program Year 2009 CDBG funding to public service activities through the Washoe County Human Services Consortium process and \$50,000 of FY 2009-2010 Sparks' general funds (SUBSDY) to be expended as \$25,000 for Sparks Parks and Recreation programs and \$25,000 to the Resource Center for Homelessness Prevention. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.10 First Reading and possible discussion of Bill No.2604, Annexation request, in accordance with the City of Sparks 7-year annexation program, from Stonefield, Inc., for a site approximately 375 acres in size. Upon annexation the zoning would convert from a Washoe County Designation of TC (Tourist Commercial) to a City of Sparks zoning designation of TC (Tourist

Regular City Council Meeting Minutes for April 13, 2009

Commercial) within the City of Sparks' Sphere of Influence generally located in the East Truckee River Canyon north of Interstate 80 and Waltham Way approximately 6 miles east of the Sparks city limits. (Time: 4:04:36 p.m.)

City Clerk Linda Patterson read Bill No. 2604 by title. Mayor Martini announced that the public hearing and second reading of this bill was scheduled for the regular Council Meeting of April 27, 2009.

6.11 Review, consideration of alternatives, and possible direction to the City Attorney and City Manager regarding overpayment of tourism and marketing funds for fiscal years 2006, 2007, and 2008 by the Reno-Sparks Convention and Visitors Authority (Time: 4:05:27 p.m.)

City Manager Shaun Carey explained how the overpayment occurred and outlined the proposed agreement for repayment of the funds to the RSCVA.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to direct the City Manager to proceed with the repayment plan as outlined and agreed to by the RSCVA. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

7. Public Hearings and Action Items Unrelated to Planning and Zoning:

7.1 Public Hearing, Second Reading, Consideration, and possible approval of Bill No. 2595, amending the Sparks Municipal Code by delegating to the Chief of Police the power to approve, deny and revoke Alcoholic Beverage Licenses; providing for an appeal of a decision of the Chief of Police to the City Council; clarifying requirements for such licensing; and providing other matters thereto (Time: 4:07:29 p.m.)

Sr. Assistant City Attorneys Tom Riley and Wendy Chavez stated this ordinance makes changes enabling the Chief of Police to issue, deny, or revoke an alcoholic beverage license and grants the City Council the ability to hear appeals of these decisions. Additionally, the language in the requirements for licensing has been changed to give clear guidelines in the granting, denying, and revocation of such licenses. Mr. Riley noted that this ordinance will expedite the process and eliminate the need for the City Council to approve applications for liquor licenses. However; the Council will still act as the appeals board in the event that an applicant is denied.

Council Member Carrigan expressed concern regarding churches and charter schools which may be located in strip malls which also contain businesses that serve or sell liquor. Mr. Riley stated he was not aware there was a problem in this regard. Mr. Carrigan noted that previously the ordinance indicated "a reasonable distance" and now it specifies "500 feet." Various possible scenarios and possible impacts were discussed. Mr. Riley said staff did not feel this would be a problem, but if it becomes problem, then the ordinance can be amended.

After further discussion, it was noted that the ordinance has a "grandfather" clause, so any current licenses would not be affected by the distance limitations between bars/liquor sales and churches or schools.

Regular City Council Meeting Minutes for April 13, 2009

Council Member Ratti asked about the appeal process. Mr. Riley noted that an approval cannot be appealed to the Council [because the applicant has met all the requirements], but there are procedures for appealing a denial or a revocation of a license. He noted that if someone wanted to appeal an approval, it would have to be done through litigation in court.

Council Member Schmitt suggested that staff look at a future amendment to grandfather an existing use for 90 days, similar to the provisions the planning process—if someone abandons a building site for more than 90 days and it was a non-conforming use, then they lose that use. He also suggested that in the denial letter, if there are any denials, the appellants rights are spelled out.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed municipal code amendment. There being no comment, the public hearing was closed. Council Member Ratti expressed concern regarding the lack of public notice for the liquor licenses, now that they will no longer be on the Council agendas and the only way they will know about a license is when they start selling liquor in an establishment. Ms. Chavez stated the ordinance retains the ability of any community member to protest a license.

In response to questions, Mr. Riley noted that there is no public notice required for a liquor license. There are criteria which an applicant must meet in order to receive a license and once they have met all the requirements, they are entitled to receive a license. For constitutional reasons, a member of the public cannot protest a liquor license if the applicant meets all the criteria. Licenses are issued on an objective basis, based on the ordinance.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Bill No. 2595 (Ordinance No. 2423). Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8. Planning and Zoning Public Hearings and Action Items:

8.1 Public Hearing, Consideration and Possible Approval of Resolution No. 3138, PCN09004 – Master Plan Amendment request from Reynen & Bardis (The Foothills), LLC to change the land use designation from 10 du/acre (dwelling units per acre) to PF (Public Facility) on a site approximately 8.1 acres in size generally located on the southeast corner of the intersection of Vista Boulevard and Passage Drive in the Foothills at Wingfield Springs Planned Development (Time: 4:29:35 p.m.)

Associate Planner Chere' Jigour displayed a map of the site and stated that this master plan amendment is being requested by the Washoe County School District in anticipation of building an elementary school at the project site. She noted that the parcel is located in a location that will allow students to walk to school. Prior to development the project will require an amendment to the Foothills at Wingfield development handbook. Staff and the Planning Commission are recommending approval of this request.

Regular City Council Meeting Minutes for April 13, 2009

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed master plan amendment.

Mr. Andy Durling of Wood Rogers, representing the applicant, noted that they were in agreement with staff's recommendation of approval.

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

Council Member Carrigan thanked the School District for changing the location of the proposed school from La Posada to this new location—it is a much better place to put an elementary school.

A motion was made by Council Member Carrigan, seconded by Council Member Salerno, to approve Resolution No. 3138, a resolution certifying the Master Plan Amendment associated with PCN09004, based on findings MP1 through MP3 and the facts supporting these findings as set forth in the staff report. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8.2 PCN09006, Public Hearing, discussion and possible action on Resolution No. 3139, a Master Plan Amendment request from The Foothills at Wingfield, LLC to change the land use designation from 2 du/ac (dwelling units per acre) to General Commercial (GC) on a site approximately 5.0 acres in size located on 6500 Spanish Springs Road, just east of the Golden Eagle Regional Park, Sparks, NV (Time: 3:32:46 p.m.)

Senior Planner Tim Thompson noted that the five acres consists of two parcels located directly to the east of the Golden Eagle Regional Park. Last year the 60 acres to the north of the park went through a similar master plan amendment process. The applicant for this process is the same and it is their intent to incorporate these five acres into that existing handbook. However, because this site is only five acres, it may not be suitable to go through a planned development handbook process, so development could occur through standard zoning, as this project evolves.

Mr. Thompson stated that the site is currently master planned at two dwelling units per acre and the request to change it to general commercial. Staff believes that this request is consistent with the surrounding uses because the general commercial requirements state that the designation is suitable next to public recreation facilities. Staff is recommending approval of this request.

Council Member Schmitt asked if there was any public comment on this request at the Planning Commission meeting. Mr. Thompson responded he did not believe there was.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed master plan amendment.

Mr. Andy Durling of Wood Rogers, representing the applicant, noted that they were in agreement with staff's recommendation of approval.

Regular City Council Meeting Minutes for April 13, 2009

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

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve Resolution No. 3139, a resolution certifying the Master Plan Amendment associated with PCN09006, on a site approximately 5 acres from 2 du/ac (two dwelling units per acres) to General Commercial (GC), adopting findings MP1 through MP4 and the facts supporting these findings as set forth in the staff report. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8.3 Public Hearing, review and possible certification by Resolution No. 3140 of a master plan amendment from the City of Sparks and City of Reno to change the land use designation of OS/RR (Open Space/Rural Reserve) to PF (Public Facilities) for a site approximately 247 acres located at 8500 Clean Water Way (Truckee Meadows Water Reclamation Facility) (Time: 3:35:41 p.m.)

Senior Planner Karen Melby noted that this property is occupied by the sewer treatment plant and the intent of the master plan amendment is to begin the process of annexing (and eventually rezoning it) into the City of Sparks. The master plan amendment is necessary to establish a use which coincides with the existing land use (sewer treatment plant). This new land use designation is appropriate for this location because the sewer treatment plant has been located on this property for a long time and uses have developed around it. The Planning Commission and staff are recommending approval of this master plan amendment.

Mayor Martini opened the public hearing and asked if anyone wished to speak regarding the proposed amendment. There being no comment, the public hearing was closed.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve Resolution No. 3140, a master plan amendment associated with PCN07056, based on findings MP1 through MP4 and the facts supporting these findings set forth in the staff report. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

8.4 PCN09005, Public Hearing, review of staff recommendations, discussion and possible action on Resolution #3141, a Master Plan Amendment requests from Red Hawk Land Company, LLC:

- A. To change the land use designation from General Commercial (GC) to Tourist Commercial (TC) on a site approximately 20.5 acres in size generally located east of Pyramid Highway, north of the Lazy 5 Park within the Tierra Del Sol Planned Development, Sparks, NV**
- B. To change the land use designation from Tourist Commercial (TC) to 5 du/ac (dwelling units per acre), on a site approximately 27 acres in size generally located at the southwest corner of the intersection of Vista Boulevard and Wingfield Hills Road in the Wingfield Springs Planned Development, Sparks, NV (Time: 4:38:19 p.m.)**

This item was withdrawn from the Agenda. However, the law firm of Holland & Hart submitted a four page letter with attachments, dated April 8, 2009, and requested that it be included in the

Regular City Council Meeting Minutes for April 13, 2009

record of the meeting. The letter and attachments are hereby made part of the record by being included in the meeting backup.

Mr. Allen Fuller e-mailed comments to the City Manager regarding item 8.4. He requested that his comments be included in the record of the meeting. His e-mail was printed out and is hereby made a part of the record by being included in the meeting backup.

9. Comments:

9.1 *From the Council and City Manager

Council Member Ratti gave a verbal disclosure as follows: **NRS 279.454 VERBAL DISCLOSURE**--Pursuant to NRS 279.454, I must disclose that my home is located within a redevelopment area of the City and that I have an ownership interest in the property. As required by the statute this disclosure must be reflected in the minutes of this meeting and be filed with the City Clerk in writing. **NRS279.454 WRITTEN DISCLOSURE**—My home is located at 535 4th Street, Sparks, NV 89431. This address is located within a redevelopment area of the City of Sparks. I presently have an ownership interest in this property. This interest existed before my election to the Sparks City Council and appointment to the Sparks Redevelopment Agency, and in no way runs contrary to the provisions of NRS 279.454. Signed and filed this 13th day of April, 2009. Julia Ratti, Sparks City Council Member, Ward 1.

Ms. Ratti explained that the reason for this disclosure is because there was a question as to whether or not she and her husband could rent out their old home if they purchased a new home due to the law that states that an agent of the redevelopment agency cannot own investment property within a redevelopment district if it was not owned prior to being elected to the City Council.

Council Member Ratti also noted that she and her husband, along with employees from Best Buy and the Rock Band “Sinister Scene” cleaned Wedekind Park and announced that donations to support this clean up can be made on-line at www.eco.net.

Council Member Schmitt asked if the City Council could appeal item 8.4. City Attorney Adams noted that an appeal rests solely in the hands of the proponent; however, the City Council can, independently and unilaterally, ask that the matter be brought to the City Council for review. Council Member Schmitt then made a request that this item come before the City Council for review. City Attorney Adams noted that if a request comes from a Council Member it has to be in writing. However, the Mayor can make a verbal request. Mayor Martini then requested, under Sparks Municipal Code 20.07.030(c), a review by the City Council of the April 2, 2009, decision of the Sparks Planning Commission denying a master plan amendment associated with PCNA09005. He noted the request is being made within 21 days of the commission’s decision and he directed the City Manager to place this item on a future agenda. City Attorney Adams noted that if the proponent requested an appeal, the two requests would be merged into one hearing.

Council Member Salerno gave a verbal disclosure as follows: **NRS 279.454 VERBAL DISCLOSURE**--Pursuant to NRS 279.454, I must disclose that the building my business is

Regular City Council Meeting Minutes for April 13, 2009

situated in is located within a redevelopment area of the City and that I have an ownership interest in the property. As required by the statute this disclosure must be reflected in the minutes of this meeting and be filed with the City Clerk in writing. **NRS279.454 WRITTEN DISCLOSURE**—My business, Nevada Forms and Printing, is located at 639 Pyramid Way. This address is located within a redevelopment area of the City of Sparks. I presently have an ownership interest in this property. This interest existed before my election to the Sparks City Council and appointment to the Sparks Redevelopment Agency, and in no way runs contrary to the provisions of NRS 279.454. Signed and filed this 13th day of April, 2009. Phil Salerno, Sparks City Council Member, Ward 2.

Councilman Schmitt asked for clarification on what disclosures are needed when the TOD (Transit Oriented Development) Corridor criteria comes before the Council for review, because there are many relationships between City Council Members and businesses, etc., along this proposed corridor. Attorney Adams noted that we have procedures to follow in the event one or more Council Members need to abstain from this vote.

City Manager Carey advised there are current openings on the Parks and Recreation Commission and applications will be received through April. There will be openings in June on the Civil Service Commission, Reno Tahoe Airport Authority Board of Trustees, Sparks Advisory Committee for the Disabled and the Sparks Parks & Recreation Commission; applications will be accepted on-line through June 2009.

10. *Adjournment (Time: 5:09:23 p.m.)

There being no further business, the meeting was adjourned at 4:46:55 p.m.

Mayor

City Clerk

>>>