

REGULAR CITY COUNCIL MEETING MINUTES
3:00 P.M. Monday, September 14, 2009
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:01:23 p.m.)

The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:02 p.m.

2. *Roll Call (Time: 3:01:28 p.m.)

Mayor Geno Martini, City Clerk Linda Patterson, Council Members Julia Ratti, Phillip Salerno, Mike Carrigan, Ron Schmitt (present via phone), Assistant City Manager Randy Mellinger, City Attorney Chet Adams, PRESENT. Council Member Ron Smith, City Manager Shaun Carey, ABSENT.

Invocation Speaker: (Time: 3:01:49 p.m.)

The invocation was given by Pastor Ron Arnold from Our Savior Lutheran Church.

Pledge of Allegiance (Time: 3:02:53 p.m.)

The Pledge of Allegiance was led by Council Member Phil Salerno.

***Comments from the Public** (Time: 3:03:26 p.m.)

Mayor Martini asked for a moment of silence for Soldier Thomas Lyons, who lost his life in Iraq this past week.

Dorris Phelps from the Northern Nevada Food Bank presented the City with a commendation in recognition of the City's efforts in collecting donations during the "Peanut Butter Challenge." The food drive was a great success and they collected a total of 22 boxes of peanut butter (40 jars per box).

Approval of the Agenda (Time: 3:05:28 p.m.)

Consideration of taking items out of sequence, deleting items and adding items which require action upon a finding that an emergency exists. It was noted that Item 8.2 would be continued.

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

3. Recommendation to Approve Minutes of:

3.1 Regular Meeting of August 10, 2009, and August 24, 2009 (Time: 3:09:24 p.m.)

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve the minutes of the Regular Meetings of August 10, 2009, and August 24, 2009. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1 Proclamation – National Hispanic Heritage Month (Time: 3:13:30 p.m.)

Regular City Council Meeting Minutes for September 14, 2009

Mayor Martini read a proclamation naming September 2009, as National Hispanic Heritage Month in recognition of cultural traditions of the Hispanic-American community and their impact upon American society. The proclamation was accepted by Human Resources Manager Chris Syverson on behalf of the MAC (Multi-cultural Awareness Committee).

5. Consent Items: (Time: 3:09:39 p.m.)

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

5.1 Report of Claims and Bills approved for payment and the appropriation transfers are for the period August 6, 2009, through August 26, 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 a Gaming license for Winners Gaming, Inc., dba Paddy & Irene's Irish Pub, located at 906 Victorian Ave., Sparks, NV, submitted by Mr. Robert Gene King

An agenda item from Police Chief Steve Asher recommending the City Council approve a Gaming License for Paddy & Irene's Irish Pub. Winner's Gaming is a licensed Slot Route Vendor with several current gaming licenses in Sparks. The license will provide a \$720.00 annual fee for six multi-denominational, bar-top slot machines; contingent upon inspections and approvals from various agencies as stated in the staff report.

5.3 Consideration and possible approval of recommendation to refund permit fees to Centex Homes for permits A0900075 – A0900082

An agenda item from Community Development Director Neil Krutz recommending the City Council approve a refund of building permit fees to Centex Homes in the amount of \$7,465.50. Centex Homes has merged with Pulte Homes and a decision was made not to complete construction of one building containing eight Wildcreek Townhomes. A refund has been requested because inspections will not be performed on this structure.

5.4 Consideration and possible approval of a request for refund of business license fees for Hoskin & Muir, Inc.

An agenda item from Finance Director Tom Minton recommending the City Council approve a refund of the overpayment of business license fees for 2008 to Hoskin & Muir, Inc., in the amount of \$658.99.

5.5 Consideration and possible approval of a business license penalty refund for TNG Sparks, LLC, dba Holiday Inn

An agenda item from Finance Director Tom Minton recommending the City Council approve a refund of a business license fee penalty to Holiday Inn, in the amount of \$781.06. Accounting Manager Elaine Cain wrote that they sent the check in without the application and when the City received the check, it was applied to the sewer account, not the business license. When they realized the error, they paid the business license fees and the penalty. They are now asking for a refund of the penalty that was paid.

Regular City Council Meeting Minutes for September 14, 2009

5.6 Consideration and possible acceptance of donation from the 2009 Justice Assistance Grant in the amount of \$53,233.00

An agenda item from Police Chief Steve Asher recommending the City Council accept funding under the Justice Assistance Grant program. The Police Department intends to use the money to pay for training and equipment that would not be possible without the use of grand funds.

5.7 Consideration and possible acceptance of grant agreement from the U.S. Department of Housing and Urban Development (HUD) for funding provided via the Community Development Block Grant program under the American Reinvestment and Recovery Act of 2009

An agenda item from Grants Administrator Tracy Wheeler recommending the City Council accept a grant from HUD which will be used to rehabilitate the curb, gutter, and sidewalks along Zephyr Way, between 16th and 18th Streets. This project was included in the City's CIP list of needed street repairs. This project was selected based upon its location in a low-income area, meeting the low and moderately-low income area benefit under the Suitable Living Environment objective and Sustainability outcome.

5.8 Review and possible approval of the 2009/2010 Children's Cabinet, Inc., Memorandum of Agreement in the amount of \$38,062.80 effective July 1, 2009, to June 30, 2010

An agenda item from Recreation Superintendent Tracy Domingues recommending the City Council approve an agreement with the Children's Cabinet for funding of Before and After School child care for low-income citizens.

5.9 Consideration and possible award of the 1212 to 1216 Victorian Avenue (Simons Building) Asbestos Abatement and UST Removal Project to Advance Installations, Inc., CIP 9067, in the amount of \$46,123.00

An agenda item from Capital Projects Coordinator Brian Cason recommending the City Council award the informal quote for asbestos abatement to Advance Installations. The city purchased the building as part of the Victorian Square redevelopment project. Testing showed the presence of asbestos which must be removed prior to demolition of the building. An existing underground storage tank will also be removed as part of this project. Funding was budgeted in the CIP for this project.

5.10 Consideration and possible approval of the 21st Century Community Learning Centers Grant as entered into and secured through the collaborative efforts with Alice Maxwell, Robert Mitchell, Lincoln Park, Agnes Risley, and Kate Smith Elementary Schools

An agenda item from Recreation Superintendent Tracy Domingues recommending the City Council approve a grant agreement for continued enrichment activities provided by the City through the Twilight Academy which is held after school on all school days at each school. Last year approximately 150 students received these services, which include activities from dance to sports and self-esteem builders, as well as homework support. This contract is the third year of a five year grant that is reviewed on a yearly basis and provides for the salaries of the part-time workers who teach the programs.

Regular City Council Meeting Minutes for September 14, 2009

5.11 Consideration and possible approval of an engineering Services Agreement Amendment #2 to Shaw Engineering for the Spanish Springs Interceptor Project (Phases 3 and 4) in the amount of \$168,708 for a total contract of 42,595,389 (Agreement A-3103)

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve the second amendment to the contract with Shaw Engineering for materials testing which was not included in the original scope of services and which has been provided by a third-party consultant in past phases of this project. Some of the additional cost is also for additional survey work for expanded project limits. Funds are available for this additional work.

5.12 Consideration and possible approval of an agreement to purchase Victorian Light Poles and Bollards to be installed with the East Victorian Avenue (Pyramid Way to McCarran Boulevard) Project from Great Basin Lighting, Inc., in the amount of \$276,848.00

An agenda item from Traffic Engineer Jon Ericson recommending the City Council approve an agreement to purchase light poles and bollards for inclusion in the RTC East Victorian Avenue Project. The City entered into an interlocal agreement with RTC for rehabilitation of Victorian Avenue and the light poles, bollards landscape trees, and tree grates will be purchased by the City and installed by the contractor for the RTC project. The poles and bollards will be purchased from the City's sole source provider, Great Basin Lighting. Funds were budgeted for this purchase.

5.13 Consideration and possible approval of the 16th Street Alley Rehabilitation Project to Stampede Construction Inc., in the amount of \$59,625.00

An agenda item from Transportation Manager Jon Ericson recommending the City Council award the informal bid to Stampede Construction. The rehabilitation includes removal and replacement of deteriorated asphalt pavement, concrete valley gutter, and installation of a handicap ramp. Funds were budgeted for this alley rehabilitation project.

5.14 Consideration and possible approval of the purchase of plant mix from Granite Construction Company in the amount of \$170,000 during FY 09/10

An agenda item from Public Works Maintenance Manger Mike Biselli recommending the City Council approve the purchase of plant mix from Granite Construction as a sole source provider. The plant mix will be purchased on an "as needed" basis for various scheduled maintenance projects. Funds are available in the street account for this purchase.

6. General Business:

6.1 Consideration and possible approval of a professional services agreement with CHG and Associates for federal legislative representation and contract lobbyist services (Time: 3:10:23 p.m.)

Government Affairs Manager Rob Joiner noted that the current contract with CHG expires on November 30, 2009. CHG has provided lobbyist services for the City on a federal level since 2003. Mr. Joiner noted that the staff report contained a list of some of the funding that the City has garnered with the assistance of Ms. Anja Graves and CHG Associates. Staff had negotiated

Regular City Council Meeting Minutes for September 14, 2009

a contract for fees, terms, and conditions for an initial two-year period, with an option for additional two-year period. Ms. Graves has agreed to no increase in the cost of the contract.

A motion was made by Council Member Ratti, seconded by Council Member Salerno, to approve a professional services contract with CHG and Associates for providing federal legislative representation and contract lobbyist services on behalf of the City, as recommended. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Motion carried.

6.2 Discussion and possible action on Sparks' Legislative Platform and Policies – October 2009 through September 2010 (Time: 3:13:15 p.m.)

Government Affairs Manager Rob Joiner noted that this is the annual review of our policies and platform document, which we have done since 2006. He said this document serves to assist staff in monitoring our state and federal program and guides staff in communication procedures. He said that due to budget constraints they have taken out the references to our state lobbyist, Rocky Finseth, because we terminated that contract in January. References to the Urban Consortium (Big 5) have also been taken out because that group no longer exists as of last year.

Mr. Joiner stated the Key Issues are outlined on page two of the document. Council Member Ratti asked that one more key issue be added—redevelopment and neighbourhood revitalization.

6.3 Consideration and possible adoption of Resolution No. 3162 to recognize the Sparks Citizens Advisory Committee (SCAC) and begin to appoint SCAC Members (Time: 3:21:36 p.m.)

Community Relations Manager Adam Mayberry introduced the current Chair of the SCAC, Keith Primus and noted that in 1999, there was a resolution that formalized the committee and since then membership has been very fluid. Recently there has been discussion regarding making the advisory committee more effective and he was tasked with finding a way to do this. He noted that this resolution is the first step in making the advisory committee more effective.

Council Member Carrigan asked if they could appoint an alternate for the two committee members they appoint. Mr. Mayberry said this sounded like a good idea.

A motion was made by Council Member Ratti, seconded by Council Member Carrigan, to adopt Resolution No. 3162, amended to allow the appointment of an alternate in each Ward, to recognize the Sparks Citizens Advisory Committee and appoint members to the SCAC. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Motion carried.

6.4 First Reading and possible discussion of Bill No. 2611, amending the Sparks Municipal Code relating to the exercise of first amendment rights on public property; declaring that the City has a substantial governmental interest in regulating certain matters on public property; clarifying certain provisions; and providing other matters properly related thereto (Time: 3:33:42 p.m.)

Regular City Council Meeting Minutes for September 14, 2009

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 City Council Meeting of October 12, 2009.

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

7.1 **Public Hearing and possible approval of the Consolidated Plan Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD) for Program Year 2008 for the City of Sparks (Time: 3:34:17 p.m.)**

Grants Administrator Tracy Wheeler noted that this the year-end report to HUD outlining our programs and expenditures and our participation in the HOME Consortium with the City of Reno and Washoe County. Ms. Wheeler reviewed how we spend our allocation of over \$700,000 as outlined in the staff report.

Mayor Martini opened the public hearing and asked if anyone wished to comment on the report. There being no comment, the public hearing was closed.

A motion was made by Council Member Ratti, seconded by Council Member Carrigan, to approve submission of the Consolidated Plan Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD) for Program Year 2008 for the City of Sparks. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Motion carried.

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

8.1 **Public Hearing, PCN009019, a request from PCCP CSGF RB Portfolio, LLC, for a Tentative amendment to the Foothills at Wingfield Springs Planned Development Handbook, to allow for the inclusion of a School designation and associated development standards on a site approximately 8.1 acres in size within the NUD (The Foothills at Wingfield Springs Planned Development) zoning district generally located on the southeast corner of the intersection of Vista Boulevard and Passage Drive in the Foothills at Wingfield Springs Planned Development (Time: 3:37:24 p.m.)**

Associate Planner Chere' Jigour noted this handbook amendment changes a residential land use to a school designation on 8 acres. The Washoe County School District is the applicant for this change, as they anticipate building a new school in four to five years. The amendment includes development standards that will help integrate the school use into the existing neighborhoods and provide for a quality development in the future. She stated the development findings 1 through 21 have been met, as outlined in the staff report. The Planning Commission and staff are recommending approval of this request.

Council Member Carrigan thanked all the people who worked to get this property as a school site, stating that this is a much better site than the one the School District had been looking at and it also cost the School District a lot less money for the property.

Mayor Martini opened the public hearing and asked if anyone wished to comment on this handbook amendment.

Regular City Council Meeting Minutes for September 14, 2009

Mr. Andy Durling, of Wood Rogers, representing the School District, noted that they agreed with the staff recommending and he was there to answer any questions the Council may have.

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

A motion was made by Council Member Carrigan, seconded by Council Member Ratti, to approve the Tentative to approve the Tentative Foothills at Wingfield Springs Handbook – PCN09019, based on findings PD1 through PD21 and the facts supporting these findings as set forth in the staff report. This tentative approval includes that the applicant shall file an application for final approval of the Planned Development Handbook within one year from the date of approval of the tentative Planned Development Handbook. Due to the nature of the tentative Planned Development a bond at this point in time as stated in NRS 278A.490 is not necessary. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Motion carried.

8.2 Public Hearing, PCN06077, review and possible action on a request from Synergy Golf Holdings for Tentative Approval of an amendment to a planned development handbook (D’Andrea) to allow for the creation of an additional 72-unit village utilizing previously approved units on a site approximately 157 acres in size in the PD (Planned Development – D’Andrea) zoning district generally located east of the intersection of Vista Boulevard and North D’Andrea Parkway, Sparks, NV (Time: 3:41:04 p.m.)

Community Development Director Neil Krutz noted that this amendment would allow the creation of an additional 72 unit village that would fall within the total allotted unit count in the D’Andrea Handbook. He said it was his understanding that this item was going to be continued to the first meeting in October, and therefore he would not make a presentation, but turn the meeting back to the Council for the public hearing.

Council Member Salerno asked for clarification regarding the number of units approved in the original handbook. Mr. Krutz noted that they were originally approved for 2,230 units—2,200 original and 30 units to be added at a potential school site if the School District chose not to move forward with a school, which they did. The developer is moving units around because the original land plan was not based on detailed topography and lay-out, and as they go to build the units, they find that plans have to change with the topography. He said that staff feels that this is essentially a shuffling of units around on the project and does not add any units above what was originally approved.

Mayor Martini opened the public hearing and asked if anyone wished to comment on this handbook amendment. There being no comment, the public hearing was closed.

Council Member Carrigan noted that he had some questions regarding this amendment; however, he was not able to make contact with the developer prior to this meeting and therefore he is requesting that this item be continued to the next meeting to allow time for a meeting to take place.

Regular City Council Meeting Minutes for September 14, 2009

A motion was made by Council Member Carrigan, seconded by Council Member Ratti, to continue PCN06077 to the meeting of October 12, 2009. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Motion carried.

8.3 Public Hearing, 2nd Reading, discussion and possible action of PCN09018, Bill No. 2610, an ordinance for a voluntary Annexation request, in accordance with the City of Sparks' 7-Year Annexation Program, by Tahoe Reno Commercial Center LLC for a parcel 30.23 acres in size generally located west of the USA Parkway interchange, east of the Patrick Interchange, shares the southern property line with the right-of-way of Interstate 80 within the City of Sparks' Sphere of Influence. Upon annexation, the zoning would convert from a Washoe County designation of Industrial to a City of Sparks zoning designation of I (Industrial). (Time: 3:44:52 p.m.)

Senior Planner Jim Rundle noted that this item was continued from the meeting of August 24, 2009, at which time the Council heard a presentation on this annexation request. He noted that the applicant was present to answer any questions the Council may have.

City Attorney Adams asked for clarification on whether staff was still recommending denial of this annexation request. Mr. Rundle responded that yes, staff was still recommending denial. Mr. Rundle noted that staff was unable to make the finding that infrastructure would be provided at the time of annexation and this is why they made the recommendation of denial.

Council Member Carrigan said his concern was why the applicant was asking for this parcel to be annexed when they already have a special use permit for development. Mayor Martini said his understanding was the concern was that the applicant wanted to annex the property to intensify the land use—something other than a solar farm.

The managing member of the applicant group, Reno-Tahoe Commercial Center, Richard E. Robleski, stated that they may be asking for additional property to be annexed in the future because there are about 150 acres next to the freeway that is very well suited for development located directly to the west. He said that their plans for a freeway interchange have met with approval from RTC and he has plans to meet with State officials in the near future. He asked that this annexation request be continued until he has met with these officials and gathered further information in order to answer all the questions Council Members may have.

Mayor Martini opened the public hearing and asked if anyone wished to comment on this annexation request. There being no comment, the public hearing was closed.

Council Member Ratti asked if the East Truckee River Plan was the only reason staff was recommending denial. Mr. Rundle stated staff's recommendation of denial was based on the need for a plan for providing infrastructure and the appropriate sequence of annexation would be to complete an area plan which would address all the infrastructure questions before the property was annexed.

Regular City Council Meeting Minutes for September 14, 2009

A motion was made by Council Member Carrigan, seconded by Council Member Ratti, to table PCN09018. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Smith, ABSENT. Motion carried.

9. Comments:

9.1 *From the Council and City Manager (Time: 3:54:35 p.m.)

Acting City Manager Randy Mellinger read a notice for openings on the Advisory Committee for the Disabled, advising that applications will be accepted through Friday, September 25, 2009.

Council member Julia Ratti noted that she had attended the Boys & Girls Club Day for Kids at Ardmore Park and a Hand Washing Event for the Washoe County Health Department. Both events were exceptionally beneficial. She asked that staff review our policies regarding commercial businesses overflowing into the public right-of-ways and how we deal with this.

Mayor Martini noted that the Remember 911 motor cycle event held at Cottonwood Park, hosted by the Iron Nation Motor Cycle Club, raised money for families of war victims.

10. *Adjournment (Time: 3:58:16 p.m.)

There being no further business, the meeting was adjourned at 3:58 p.m.

Mayor

City Clerk

>>>