

REGULAR CITY COUNCIL MEETING MINUTES
3:00 P.M. Monday, November 9, 2009
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:04:12 p.m.)

The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:04 p.m.

2. *Roll Call (Time: 3:04:19 p.m.)

Mayor Geno Martini, City Clerk Linda Patterson, Council Members Julia Ratti, Phillip Salerno, Ron Smith, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, Acting City Attorney Doug Thornley, PRESENT. Attorney Chet Adams, ABSENT.

Invocation Speaker: (Time: 3:04:39 p.m.)

The invocation was given by Pastor Barb West of the Sparks Church of the Nazarene.

Pledge of Allegiance (Time: 3:06:10 p.m.)

The Pledge of Allegiance was led by Acting City Attorney Doug Thornley.

***Comments from the Public** (Time: 3:06:39 p.m.)

None.

Approval of the Agenda (Time: 3:06:49 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 Ratti, to approve the agenda as posted. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

3. Recommendation to Approve Minutes of:

Regular Meeting of October 12, 2009. (Time: 3:07:22 p.m.)

A motion was made by Council Member Ratti, seconded by Council Member Smith, to approve the minutes of the Regular Meeting of October 12, 2009. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

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

4.1 Presentation on trip to Ireland by members of the Sparks All Star Band

(Time: 3:08:00 p.m.)

City Manager Carey noted that the Band Director for Reed High School asked that this item be continued to the November 23, 2009, meeting.

4.2 Proclamation – American Indian Heritage Month (Time: 3:08:31 p.m.)

Mayor Martini read a proclamation naming November 2009, as American Indian Heritage Month, in recognition of the importance of integral role American Indian heritage plays in the

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history of the State of Nevada and the City of Sparks. The Proclamation was accepted by Utility Manager JoAnn Meacham on behalf of the Multicultural Awareness Committee (MAC).

4.3 Presentation on Police and Fire Department Levels of Service (Time: 3:09:53 p.m.)

Fire Chief Andy Flock and Acting Police Chief Steve Keefer each gave a presentation regarding the levels of service in their respective departments.

5. Consent Items: (Time: 3:45:36 p.m.)

Items 5.2 and 5.7 were pulled for discussion and separate votes.

A motion was made by Council Member Smith, seconded by Council Member Salerno, to approve Consent Items 5.1, 5.3 through 5.6, 5.8 and 5.9. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

5.1 Report of Claims and Bills approved for payment and the appropriation transfers are for the period October 8, 2009, through October 21, 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 United Coin Machine Company dbat Victorian Penny Park, located at 1114 Victorian Ave., Sparks, NV, submitted by Mr. Robert Alvin Woodson (Time: 3:46:33 p.m.)

An agenda item from Sparks Police Department recommending the City Council approve an application for a Gaming License for The Victorian Penny Park. United Coin is a licensed Slot Route Vendor with several current gaming licenses throughout the area. The license will provide a \$1,920.00 annual fee for sixteen upright nickel slot machines and is contingent upon inspections and approvals from various agencies as stated in the staff report.

Council Member Carrigan noted that that staff report says this is a non restricted gaming license and he asked if it was one of the licenses that was “grandfathered in” and therefore not affected by the changes in where gaming is allowed in the City of Sparks. City Attorney Thornley confirmed that it was a grandfathered location inside the Buffalo Bar—the penny slots.

A motion was made by Council Member Schmitt, seconded by Council Member Salerno, to approve Consent Items 5.2. Council Members Ratti, Salerno, Smith, Schmitt, YES. Council Member Carrigan, NO. Motion carried.

5.3 Request for consideration and possible approval to authorize the Fire Department to pursue a Fire Prevention & Safety Grant through the federal 2009 Fire Act Grant process.

An agenda item from Fire Marshal Robert King recommending the City Council authorize the Fire Department to pursue a grant for funds to implement a smoke alarm installation program—Project SAFE. There are no matching fund requirements for this grant.

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5.4 Consideration and possible approval of the destruction/disposal of original building plans and associated documents that have been microfilmed (Community Development Department).

An agenda item from Records Specialist Donna DiCarlo recommending the City Council approve the destruction of documents that have been microfilmed in accordance with City policy and State law. Details of the documents are listed in the staff report.

5.5 Consideration and possible approval of Change Order No. 1 of the 2008/2009 Permanent Patch Program, Bid No. 08/09-001, PWP No. WA-2008-355, to Q&D Construction, Inc. in the amount of \$72,607

An agenda item from Transportation Manager Jon Ericson recommending the City Council approve additional funding for permanent patching as a result of construction at Wright Way and 5th Street. The contractor was required to place new water mainline and gas lines down 5th Street. The Permanent Patch Program is self-funded; however, due to the quantity of patching, staff felt the street should be re-surfaced, rather than just patched. Staff negotiated with the Contractor for the additional work; however, once the asphalt was removed, the subgrade was found to be in very poor condition. Additional costs resulted from the need to over-excavate and extra six inches and replace the aggregate base. Funding for the additional costs is available in the Street Rehabilitation fund.

5.6 Consideration and possible approval of a Reversion to Acreage Map for property located at 521 and 529 18th Street for the Lopes Family Revocable Living Trust

An agenda item from City Surveyor Andy Fuller recommending the City Council approve a reversion to acreage map to eliminate interior lot lines conflicting with an existing building. The map has been checked and found to be technically correct and the appropriate fees have been paid.

5.7 Consideration and possible award of the Informal Quote, for the Larkin Circle Improvements Project, to Atlas Contractors, in the amount of \$84,100 (Time: 3:47:47 p.m.)

An agenda item from Transportation Manager Jon Ericson recommending the City Council award the informal quote for Larkin Circle improvements to Atlas Contractors. This roadway has become a safety and maintenance issue with the current pavement condition index at zero. The proposed 1-1/2 inch overlay will help alleviate the safety concerns and this will be an interim repair until the North Truckee Drain realignment project has been completed and the roadway can be completely reconstructed to today's standards. Funding is available from budget appropriations in the Road Ahead Program.

Council Member Schmitt expressed concern that this project was not in the approved CIP and that it would be a waste of money to improve this street when it is scheduled to be cut in the Spring of 2011 and rebuilt by RTC in the Fall of 2011.

Mr. Ericson noted that this street is in very poor condition and will probably not last for another two or three years, particularly since a trucking company has recently moved into this industrial area and will now be using the street. He said staff is proposing to do a 6 foot wide patch of just

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the travel lanes. He noted that the funding was originally intended for a project on Shadow Lane; however, there are some problems with the utilities on Shadow Lane which has delayed that project indefinitely and that funding is now being used for the Larkin Circle project. Mr. Ericson noted that this project was listed in the CIP as a needed project, but not funded.

Council Member Salerno noted that he asked staff to look into what could be done for Larkin Circle because of numerous complaints he had received regarding the condition of the roadway. He said this is just a band aid on the roadway until it can be reconstructed in two or three years.

Council Member Schmitt stated he was not going to support this project because it was not part of the approved CIP and the funding was coming from another project that was on the approved CIP.

A motion was made by Council Member Salerno, seconded by Council Member Smith, to award the Informal Quote for the Larkin Circle Improvements Project to Atlas Contractors, in the amount of \$84,100. Council Members Ratti, Salerno, Smith, YES. Council Members Carrigan, Schmitt, NO. Motion carried.

5.8 Consideration and possible approval of the contract for Professional Services with Michael D. Buschelman Consulting Inc. for water right consulting and related work for the City of Sparks for an amount not to exceed \$25,000

An agenda item from Civil Engineer Janelle Tomas recommending the City Council approve a professional services agreement for water rights consulting. This contract will provide services on an as needed basis to protect the City's water rights. Funds have been budgeted for these services through the Utilities fund.

5.9 Consideration and possible approval of the Water Rights Purchase and Sale Agreements as presented by staff for a total of 25.0 acre-feet of water rights in the amount of \$175,000 plus one half of the closing costs, which is approximated at \$1,000

An agenda item from Civil Engineer Janelle Tomas recommending the City Council approve the a water rights purchase with Annapurna Capital Partners for potential future use by the City. Funds are available in the Sewer Enterprise Fund budget for this purchase.

6. General Business:

6.1 Consideration and possible acceptance of a grant from the E. L. Cord Foundation in the amount of \$51,000 for the City of Sparks Parks and Recreation Department to continue the Leisure Without Limits Program for people with disabilities in 2010 (Time: 3:53:52 p.m.)

Recreation Superintendent Tracy Domingues thanked the E.L. Cord Foundation for funding this program and noted that this is the second year we have received such a grant. She stated that E.L. Cord Foundation has made it clear that they are not a source of continual support for this program and she is working on other funding grants for 2011.

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A motion was made by Council Member Smith, seconded by Council Member Salerno, to accept a grant from the E. L. Cord Foundation in the amount of \$51,000. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.2 Consideration and possible approval of the Mayor's recommendation of appointment to the Sparks Advisory Committee for the Disabled (Time: 3:56:17 p.m.)

City Manager Shaun Carey noted we are short one member on the Advisory Committee for the Disabled. Ten applications were received and after brief interviews with seven of the applicants, the Mayor is recommending that Yvonne Flynn be appointed to fill the vacant position on this committee.

A motion was made by Council Member Salerno, seconded by Council Member Ratti, to confirm the appointment of Yvonne Flynn to the Sparks Advisory Committee for the Disabled. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.3 Consideration and possible approval of renewing the city's membership with the Sparks Chamber of Commerce for fiscal year 2009-2010 (Time: 3:57:16 p.m.)

City Manager Shaun Carey noted that the Council has requested that each of the City's memberships be brought forward separately for discussion and possible approval. The City's membership in the Sparks Chamber of Commerce for this fiscal year is \$850.00 and staff is recommending that the membership renewal be approved.

Council Member Carrigan expressed concern that he missed a ribbon cutting for an event in his ward this past weekend because he was not notified and he asked that the Chamber be more proactive in notifying the City Council Members of business activities and events being held in their respective wards.

A motion was made by Council Member Carrigan, seconded by Council Member Smith, to approve renewing the city's membership with the Sparks Chamber of Commerce for fiscal year 2009-2010 in the amount of \$850.00. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.4 Consideration and possible acceptance of the American Recovery and Reinvestment Act (ARRA) Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$840,000 (Time: 3:59:13 p.m.)

Deputy Public Works Director Pete Etchart noted that the primary objective of this grant is to increase and promote energy efficiency, energy conservation, and renewable energy generation within the City of Sparks. We are initially focus on the governmenta/public sector. Implementation is focusing on some of the projects we can do right away and designing projects for the future. The highest return on our available energy funds are in the area of energy efficient and energy conservation type projects such as LED street and traffic lights and lighting and energy retrofits at our existing facilities. We are also designing projects for the future, such as the garage lighting replacements and boiler replacements. We will also be working on renewable energy generation, such as the photovoltaic projects at the Police Department and

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Golden Eagle Regional Park. Mr. Etchart emphasized that the key is to be flexible and take advantage of funding as it becomes available.

Council Member Salerno asked if the City receives any type of rebate for using less energy. Mr. Etchart noted that NV Energy has a couple of program rebates available and he briefly discussed the recent changes in their rebate program.

Mr. Etchart thanked all the City staff who helped obtain this grant, as well as those who are helping to spend and track the funding. In response to additional questions from Council Members, Mr. Etchart noted that there are no matching funds required for this grant, but there are specific reporting requirements.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to accept the American Recovery and Reinvestment Act (ARRA) Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$840,000. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.5 Consideration and possible approval of removing the tax lien on 321 9th Street (Time: 4:09:28 p.m.)

Assistant City Attorney Doug Thornley noted that Mr. Aboumrad is asking the City Council to remove a lien the City placed on his property for unpaid sewer fees over the past five years. He said that staff believes that the lien is the “carrot” that will get the outstanding balance on the sewer account paid and this is why the Sewer Appeals Board did not recommend that the lien be removed. Attorney Thornley stated staff is recommending that no new penalties be applied to the account (frozen) and that when the account is paid in full, the penalties will be waived and the lien will be removed. Mr. Aboumrad is asking that the lien be removed before the account is paid in full so that he can refinance the property.

Utility Manager JoAnn Meacham noted that the City has about 1,200 sewer accounts that have liens on them and our total outstanding receivables is approximately \$1 million. She emphasized that the total revenue risk [in removing the lien] is more than this one customer.

Mr. Aboumrad presented his appeal, stating that he is trying to refinance the property and has recently made improvements to the property. However, if the property does not appraise high enough, he will not have enough capital to pay off the lien, the property taxes and other issues owning on the property.

A lengthy discussion ensued regarding exactly how much Mr. Aboumrad owed the City and the consequences to the City if they chose to release the lien.

A motion was made by Council Member Ratti, seconded by Council Member Smith, to deny the appeal and keep the lien in place on 321 9th Street until the account is paid in full. Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

6.6 First reading and possible discussion of CA-5-09 Bill No. 2612 An ordinance by the City of Sparks amending Title 20 of the Sparks Municipal Code to

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allow for Electric theft deterrent devices with defined criteria in the I (Industrial) zoning district (Time: 4:28:20 p.m.)

Acting City Clerk Carrie Brooks read Bill No. 2612 by title. Mayor Martini announced that the public hearing and second reading of this bill would take place at the regular City Council meeting of November 23, 2009.

6.7 First reading and possible discussion of Bill No. 2613, An ordinance amending title 15 of the Sparks Municipal Code including but not limited to adopting by reference the IEC section 60335-2-76 Edition 2.1 and providing other matters properly related thereto (Time: 4:28: p.m.)

Acting City Clerk Carrie Brooks read Bill No. 2613 by title. Mayor Martini announced that the public hearing and second reading of this bill would take place at the regular City Council meeting of November 23, 2009.

7. Public Hearings 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 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's west bound lanes and is approximately 10.5 miles east of the intersection of Vista Boulevard and 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: 4:29:50 p.m.)

Senior Planner Jim Rundle reviewed the history of this annexation request, noting that it was tabled to allow the applicant time to provide additional information requested by Council. He stated the Planning Commission is recommending denial of the annexation request. He stated that to date, the applicant has not provided any additional information to staff.

Council asked the applicant if he needed more time to provide information to the Council. Mr. Robleski stated he did not believe he needed more time. He noted that there was a corridor study that has just been completed which is recommending a new interchange on I-80 which would provide access to his property and which is now part of the RTC 20/40 plan. Mr. Robleski stated they have a lot of plans for the property and they are anxious to accomplish the annexation so they can go forward with their project.

Council expressed concern that staff had not reviewed the study Mr. Robleski was referring to and recommended that this annexation request be continued to the next meeting. Mr. Robleski stated he was in favour of a continuance.

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

A motion was made by Council Member Ratti, seconded by Council Member Smith, to continue this annexation request to the next council meeting (November 23, 2009). Council Members Ratti, Salerno, Smith, Carrigan, Schmitt, YES. Motion carried.

9. Comments:

9.1 *From the Council and City Manager (Time: 4:35:04 p.m.)

City Manager Shaun Carey announced vacancies on the Citizens Advisory Committee and the Sparks Planning Commission.

Council Member Schmitt requested an update on the CIP (Capital Improvement Projects).

10. *Adjournment (Time: 4:42:46 p.m.)

There being no further business, the meeting was adjourned at 4:42 p.m.

Mayor

City Clerk

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