

REGULAR CITY COUNCIL MEETING AGENDA
3:00 P.M. Monday, November 23, 2009
City Council Chambers, Legislative Building, 745 Fourth Street, Sparks, Nevada

1. *Call to Order (Time: 3:01:30 p.m.)

The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:01 p.m.

2. *Roll Call (Time: 3:01:39 p.m.)

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

Staff Present: Tom Miller, Steve Driscoll, Andy Flock, Neil Krutz, Stan Sherer, Armando Ornelas, Jim Rundle, Adam Mayberry, Joe Grogan.

Invocation Speaker: (Time: 3:02:06 p.m.)

The invocation was given by Pastor Tom Butler from Sparks Methodist Church.

Pledge of Allegiance (Time: 3:03:14 p.m.)

The Pledge of Allegiance was led by Mr. Perry DiLoreto.

***Comments from the Public** (Time: 3:03:37 p.m.)

Mr. Ray Buyher, representing the Reno Racing Pigeon Club, spoke about the Sparks Municipal Code and changing it so that residents may keep homing pigeons in the City of Sparks.

Approval of the Agenda (Time: 3:07:46 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 Schmitt, seconded by Council Member Smith, to approve the agenda as posted. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

3. Recommendation to Approve Minutes of:

Regular Meeting of October 26, 2009 (Time: 3:08:30 p.m.)

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the minutes of the Regular Meeting of October 26, 2009. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

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

4.1 Presentation to the Nevada Fallen Patriot Fund (Time: 3:09:30 p.m.)

Members of the Iron Nation Motor Cycle Club presented a check for \$17,000 to Mr. Perry DiLoreto for Nevada Fallen Patriot Fund. These funds were raised through their "Never Forget" ride. The fund was started after we lost our first soldiers in Afghanistan and Iraq to provide benefits to the families they left behind. A staff member from Congressman Dean Heller's office

Regular City Council Meeting Minutes for November 23, 2009

presented certificates of special recognition to the Nevada Patriot Fund and the Iron Nation Motor Cycle Club for their support of our troops.

4.2 Commendation to McDonalds (Time: 3:20:35 p.m.)

Chair of the Sparks Advisory Committee for the Disabled, Laura Sheldon-Casson, presented a Commendation to the McDonald's Restaurant on Prater Way for their excellent accessibility and service for the disabled.

4.3 Presentation on trip to Ireland by members of the Sparks All Star Band (Time: 3:26:49 p.m.)

Reed High School Band Leader Mr. Hollenbeck gave a brief review and thanked the City Council for their support of the Sparks All Star Band on their recent trip to the music festival in Longford, Ireland.

4.4 Presentation of Washoe County School Superintendent Heath Morrison and briefing on School District issues (Time: 3:36:20 p.m.)

Washoe County School Superintendent Heath Morrison gave a briefing on Washoe County School issues.

Mayor Martini acknowledged Assistant City Manager Steve Driscoll's achievement in receiving an Association of Collegiate Business School and Programs Student and Leadership Award from the University of Phoenix.

5. Consent Items: (Time: 3:50:17 p.m.)

Item 5.2 was pulled for discussion and separate vote.

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

5.1 Report of Claims and Bills approved for payment and the appropriation transfers are for the period October 22, 2009, through November 4, 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 Change Order #1 for additional costs incurred due to permitting delays associated with the Pioneer Dam Reconstruction Project, PWP WA-2009-352 with Peavine Construction in the amount of \$212,020 for a final contract amount of \$1,182,870 (Time: 3:51:04 p.m.)

An agenda item from Civil Engineer Andrew Hummel recommending the City Council approve a change order for the Pioneer Dam Reconstruction Project.

Council Member Schmitt asked for a report from staff on this item. Public Works Director Wayne Seidel noted that the City was notified several months ago that we needed permits to work in the River. We were expecting them [to be processed by] the first week in September because we had five weeks of work. Because we did not receive the permits from the Corps of

Regular City Council Meeting Minutes for November 23, 2009

Engineers and the Dept. of Fish and Wildlife, the project had to be put on hold until the river flow is lower, next June or July. Staff anticipates completing the project by the end of August, 2010.

Council Member Schmitt asked why the contract was issued when we did not have the permits. Mr. Seidel stated that staff has been working with both regulatory agencies on the permits for over a year and we anticipated that the permits would be processed so the work could be done this fall. Unfortunately we did not receive the support we expected from the Fish and Wildlife division and the permits have been delayed. In response to questions from Council, it was noted that the additional funding is coming from the storm drain funds.

Council Member Schmitt said he was going to vote to approve this, but he cautioned staff that we need to make sure we have permits in hand before we award contracts.

Council Member Carrigan asked if it was Nevada or Federal Fish and Wildlife that was holding up the permits. Mr. Seidel stated it was the U.S. Fish and Wildlife—they are waiting for a biological opinion. Mr. Seidel stated there was a discussion regarding fish monitoring which was part of the White Water Park that we are required to do. Truckee Meadows Water Authority (TMWA) is doing the Glendale Intake next summer and we want to have this project finished and out of the way before they start their project. Mr. Seidel stated that we are partnering with TMWA for the monitoring, but the U.S. Fish and Wildlife wanted to see the whole monitoring program, even knowing that we are going to take one to five years to do the monitoring program after the project is built. Mr. Seidel noted that “we have learned our lesson and won’t count our chickens before they hatch” again.

Mayor Martini said he felt that this issue relates back to the whitewater park and that it is a personal vendetta against the City of Sparks by the U.S. Fish and Wildlife because they did not want the whitewater park. However, we finally got it through and this is “payback.” In a normal process this permit would have been issued and should have been issued, but they held it up on purpose.

Mr. Schmitt said he agreed with Mayor Martini—that the Fish and Wildlife is not a fair playing field. However, we are stewards of tax-payer’s money and we have to pay an additional \$212,000+ for a staff error.

A motion was made by Council Member Schmitt, seconded by Council Member Smith, to approve Consent Item 5.2, Change Order #1 to Peavine Construction for additional costs incurred due to permitting delays associated with the Pioneer Dam Reconstruction Project, in the amount of \$212,020. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

5.3 Consideration and possible award of the 1212 Victorian Avenue (Simons Building) Demolition Project to Empire Contractors LLC, CIP 9067, in the amount of \$41,725

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council award the bid for demolition to Empire Contractors. The city purchased the building as part of the Victorian Square redevelopment project. The building poses safety issues as it remains

Regular City Council Meeting Minutes for November 23, 2009

vacant and must be demolished in order to redevelop this area of Victorian Avenue. Funding is budgeted in the CIP for this project.

5.4 Consideration and possible approval of the Memorandum adding Real Property to Scope of Agreement to the Master Service Agreement for Treated Effluent between the City of Sparks and Spanish Springs Associates Limited Partnership, a Nevada Limited Partnership

An agenda item from Utility Manager JoAnn Meacham recommending the City Council approve an amendment to a master service agreement for treated effluent with Spanish Springs Associates to increase the area of the development covered under the service agreement by 100 acres. The developer is not requesting an additional volume of effluent to serve the increase in acreage, but is planning to implement conservation measures within the development in order to serve the area with the volume of effluent currently allocated to the development. There is no financial impact to the City.

5.5 Consideration and possible approval of the Customer Service Agreement for Treated Effluent (#2) (Phase 2) with Kiley Ranch Preservancy Foundation, a Nevada nonprofit corporation

An agenda item from Utility Manager JoAnn Meacham recommending the City Council approve an effluent service agreement with Kiley Ranch Preservancy Foundation (KRPF). The KRPF has negotiated with Kiley Ranch Communities for the use of 100 acre feet of effluent to serve the wetland preserve for 11 years and 70 acre feet in perpetuity. KRPF will pay the \$76,036.80 connection fee through a Question 1 Grant from the State of Nevada, Division of Lands. Usage fees will be paid by Kiley Ranch Communities pursuant to the agreement.

5.6 Consideration and possible approval of a professional consulting services contract for the design of a Photovoltaic System at the Golden Eagle Regional Park Main Concession Building, to H&K Architects, in the amount of \$27,000, using funds from the American Recovery and Reinvestment Act (ARRA) Energy Efficiency and Conservation Block Grant (EECBG)

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council approve a contract for the design of a photovoltaic system at Golden Eagle main concession building. H&K Architects will provide a full design for a roof mounted photovoltaic system on the main concession building at the park. This is one of many projects approved by the Department of Energy for funding through block grant funding as noted above.

5.7 Consideration and possible approval of a professional consulting services contract for the design of the Alf Sorenson Boiler Replacement, to H&K Architects, in the amount of \$26,000, using funds from the American Recovery and Reinvestment Act (ARRA) Energy Efficiency and Conservation Block Grant (EECBG)

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council approve a contract for the design of a boiler replacement at the Alf Sorenson Community Center. H&K Architects will provide a full design for an energy efficient boiler system at the community center. Due to the complexity of the system, it is recommended that the system be redesigned to be more energy efficient before it is replaced. This is one of many projects approved by the Department of Energy for funding through block grant funding.

Regular City Council Meeting Minutes for November 23, 2009

5.8 Consideration and possible approval of a professional consulting services contract for the design of the City of Sparks Maintenance Building Boiler Replacement, to H&K Architects, in the amount of \$31,000, using funds from the American Recovery and Reinvestment Act (ARRA) Energy Efficiency and Conservation Block Grant (EECBG)

An agenda item from Capital Projects Manager Chris Cobb recommending the City Council approve a contract for the design of a boiler replacement at the maintenance building. H&K Architects will provide a full design for an energy efficient boiler system at the maintenance building on 21st Street. The original system was designed and installed in the mid 1960's. The new system is proposed to have two new high efficiency boilers, a constant flow pumping system, and modification of the control system. This is one of many projects approved by the Department of Energy for funding through block grant funding.

6. General Business:

6.1 Discussion and possible direction to the Sparks Citizens Advisory Committee (Time: 4:00:21 p.m.)

Community Relations Manager Adam Mayberry provided an update on the Sparks Citizens Advisory Committee appointment process. It was noted that some of the applicants already serve on other Sparks boards and Commissions, which is not allowed. It was clarified that the Council has the option to waive this rule, if they wished. The Council asked that the November 30th deadline for applications to this committee be retained, even if all Council Wards are not covered.

6.2 Consideration and possible approval of a cooperative agreement for the Court of Antiquity Interpretive Area between the City of Sparks, Washoe County, and Nevada Department of Transportation (Time: 4:07:03 p.m.)

Parks and Recreation Director Stan Sherer stated the proposed agreement is for the "Court of Antiquity Interpretive Area" is a site about 3.5 miles east of Sparks, right on the Truckee River (next to the abandoned rest area off I-80). The site has about 200 petro glyphs and was a major meeting place for Native Americans. The purpose of the agreement will recognize the cultural/historical benefit to the community that this site has and also to enable the Nevada Rock Art Foundation to solicit funds for the eventual development of the site. He emphasized that there is no financial obligation associated with this agreement.

Council Member Schmitt asked why they needed our approval in order to solicit funding. Mr. Sherer stated if grantors are aware that if government entities are committed to maintaining and preserving this area, the foundation will have better success in soliciting funds.

A motion was made by Council Member Ratti, seconded by Council Member Carrigan, to approve a cooperative agreement for the Court of Antiquity Interpretive Area between the City of Sparks, Washoe County, and Nevada Department of Transportation. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.3 Consideration and possible approval of the proposed Interlocal Agreement between City of Sparks, City of Reno, and Washoe County for General Park Maintenance (Time: 4:12:03 p.m.)

Regular City Council Meeting Minutes for November 23, 2009

Parks and Recreation Director Stan Sherer noted that the governing bodies directed staff to develop an interlocal agreement that called for shared services. The agreement concentrates on training; joint purchasing opportunities; sharing of equipment; sharing of personnel; marketing; and the management of different facilities. He said the opportunity for shared services is much greater between Washoe County and the City of Reno because Washoe County has more facilities within the Reno city limits. Sparks does not have that same opportunity, with the exception of the interpretive area at Golden Eagle and Lazy Five parks. However, formalizing this agreement will provide some new opportunities, as well as maintain current shared services practices.

Council Member Ratti asked if this agreement included opportunities for shared services with the School District. Mr. Sherer stated there is currently a reciprocal use agreement with the School District; however, each agency has a separate agreement with the school district and the School District was not part of this agreement.

A motion was made by Council Member Smith, seconded by Council Member Ratti, to approve the proposed Interlocal Agreement between City of Sparks, City of Reno, and Washoe County for General Park Maintenance. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

- 6.4 PCN06077, Discussion and possible action on a request from Synergy Golf Holdings 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 Nevada:**
- A. Final Approval of an amendment to a planned development handbook (D’Andrea)**
 - B. Tentative Map request to allow for a 72-unit single family residential subdivision (Monticello) (Time: 4:14:44 p.m.)**

Senior Planner Tim Thompson stated there were two requests associated with this applicant. The first is the final approval of an amendment to the D’Andrea handbook and the second is approval of a tentative map request to allow for a 72-unit single-family residential subdivision. He then displayed a map of the site and discussed the plans for the development. He noted that new development is located where the existing golf maintenance building is located. The plan includes relocating the maintenance building closer to the rear of the clubhouse parking lot and altering holes 8 and 9 of the golf course to allow for the 72 units.

Mr. Thompson emphasized that the additional units did not exceed the allowed number of units approved under the original handbook in 1998. He stated subsequent amendments amended Phase 3 of the project and set the number of allowed units at 2,155.

Mr. Thompson stated the Council granted tentative approval of this handbook amendment on October 12, 2009. The final handbook has not changed and staff is recommending final approval of the handbook.

Regular City Council Meeting Minutes for November 23, 2009

Mr. Thompson stated the proposed subdivision is in conformance with the planned development handbook and throughout the handbook amendment process none of the standards were changed; therefore, staff is recommending approval of the tentative map.

Council Member Smith said the map appeared to show that the houses would be built on a slope and asked if they would be two-story homes with a basement. Mr. Thompson stated there were be single and two-story homes toward the front of the development and the homes actually built on the slope will have the option of lower-level walkout basements.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to grant Final Approval of the amendment to the D'Andrea Planned Development Handbook associated with PCN06077 as the final draft is in substantial compliance with the City Council's action on the Tentative Approval of the amendment to the D'Andrea Planned Development Handbook and the facts supporting these findings as set forth in the staff report.. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve the Tentative Map associated with PCN06077, adopting Findings T1 through T12 and the facts supporting these Findings as set forth in the staff report, subject to the conditions of approval, 1 through 23 as listed in the staff report. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.5 First Reading and possible discussion of Bill No. 2614, Floodplain Management: An ordinance amending Chapter 15.11 of the Sparks Municipal Code by adding provisions relating to administration of flood development permit applications; and providing for other matters properly related thereto (Time: 4:23:17 p.m.)

City Clerk Linda Patterson read Bill No. 2614 by title. Mayor Martini announced that the Public Hearing and Second Reading would be held at the next regular City Council Meeting of December 14, 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, second reading and possible action on Bill No. 2612, An ordinance by the City of Sparks amending Title 20 of the Sparks Municipal Code to allow for Electric theft deterrent devices with defined criteria in the I (Industrial) zoning district (Time: 4:23:44 p.m.)

Senior Planner Jim Rundle and Building Official Mark Miranda noted that this ordinance will amend Title 20 to allow for electric fences. To date, electric fences have not been permitted in the City of Sparks. However, based on new technology that these electric theft deterrent devices provide, staff now believes that they can work in the city, but that they should only be allowed in the Industrial zoning areas.

Mr. Rundle noted that they worked with various departments regarding this amendment and it was determined that there are certain standards that will be incorporated with this code

Regular City Council Meeting Minutes for November 23, 2009

amendment; however, those standards were not appropriate for inclusion in the zoning code. He stated the Fire Department will review applications for electric fence permits. He said normally the Police Department does not review fence applications, but if an application for an electric fence comes in, the computer will automatically notify the police department of the location of any electric fences.

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

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve Bill No. 2612 (Ordinance No. 2432) allowing for electric fences in the Industrial area. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

8.2 Public Hearing, second reading and possible action on 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: 4:28:35 p.m.)

Discussion regarding this item was held in conjunction with Item 8.1.

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

A motion was made by Council Member Smith, seconded by Council Member Carrigan, to approve Bill No. 2613 (Ordinance No. 2433) a code amendment to Title 15 associated with electric fences. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

8.3 PCN08012, Public Hearing, review, and possible action on a request from Red Hawk Land Company and Maverick Development, LLC, for Tentative Approval of an amendment to the Wingfield Springs Planned Development Handbook, to allow the designation of the "outparcel" as Village 30, Golf Cottages, including establishing Village 23 with 20 units, Village 25 with 100 units, Village 27, Phase 3 with 42 units; modifying uses under the Golf Facility to include a wider range of neighborhood servicing retail and commercial uses and modifying Neighborhood Commercial to allow for a wider range of commercial uses, inclusive of minor administrative changes on a site approximately 1,645 acres in size within the NUD (Wingfield Springs Planned Development) zoning district generally located north of the Miramonte Planned Development, east of the Pioneer Meadows Planned Development, and west of the Foothills at Wingfield Spring Planned Development (Time: 4:29:55 p.m.)

Senior Planner Tim Thompson stated this amendment has several components as outlined on page 6 of the Planning Commission staff report. He stated there are four amendments which staff considered to be fairly significant: 1) to designate the out-parcel as golf cottage; 2) to increase the height limitation within the golf cottage land use designation from 40 feet up to 50 feet; 3) to alter the land use table in section 3 of the handbook (looking at what has been built

Regular City Council Meeting Minutes for November 23, 2009

and what is planned for the future and allocating a certain number of units to some of the villages that are currently under construction or not built yet); 4) to add some additional commercial uses to both the neighborhood commercial land use designation and the golf club facility designation.

Mr. Thompson discussed Village 30 located in the out-parcel. It is about 16 to 17 acres and is located directly east of the existing golf club facility, north of the fifth fairway. There is also an old school building on that site. This property was annexed into the City in 2005 and was included in the Wingfield Springs handbook, but there was no development plan and was simply referred to as the “out-parcel” and never given a specific land use designation. This amendment proposed to identify this parcel as Village 30 and place the golf cottage land use designation on that property. Staff is of the opinion that this is an appropriate location for the golf cottage designation, given its proximity to the golf facility.

Mr. Thompson stated the amendment also proposed to increase the height limitation within the golf cottage designation from 40 feet up to 50 feet. The analysis shows that in Title 20, if there is a commercial project located directly adjacent to a property that is zoned R-1 (single family) the height to setback ratio is 1/1 (essentially one foot of setback for each foot of building height is required). In this case, there will be about 45 feet from the proposed buildings to the road, plus about 50 feet across Poco Rey Drive for a total of over 90 feet from the proposed buildings to the single-family homes located across Poco Rey Drive. Therefore, staff concluded that this height increase is appropriate and the resort condominium designation already allows a 50 foot height.

He then discussed the commercial properties, stating both the golf facility and the neighborhood commercial facility currently allow for commercial uses. Within the neighborhood commercial centers, the following uses are already allowed: retail stores, personal service shops, recreation facilities and fitness centers, public facilities, clinics, amusement and entertainment centers, offices, service stations, restaurants, brew pubs, and child care facilities. The applicant is proposing to add the following uses: carwashes, drive-thru facilities, mini-storage, bank branch offices, dry cleaners, and grocery stores. Mr. Thompson stated these uses are not out of character for a commercially zoned property.

Mr. Thompson said that the following uses are allowed within the golf facility designation: retail, restaurants, cafes, food service facilities, bars, taverns, brew pups, recreational facilities, restricted gaming, and convention and meeting spaces. The applicant is proposing to add the following uses: child care facilities, professional medical offices, drive-thru facilities, personal services; dry cleaners, bank branch offices with drive-thru, and grocery store/markets. Staff feels the proposed new uses are appropriate in this commercial district.

Mr. Thompson noted that in 1994, when the original Wingfield Springs Development Agreement was adopted, the applicant (through the development agreement process) has the ability to go straight to a final map. There is not tentative map required and no conformance review. Staff is concerned about this, particularly as development progresses to the southern portion of the property and up into the hills. Therefore staff has requested that the applicant include the conformance review process within this handbook; only for those villages located south of Vista Boulevard, on the southern parcel. He stated the conformance review functions like the tentative map process, but with no public hearing required—it is strictly an administrative review.

Regular City Council Meeting Minutes for November 23, 2009

Mr. Thompson then discussed the changes to the land use table as outlined in the staff report. He noted that Wingfield Springs could potentially have 3,110 units and right now they have built or planned for about 2,600; so there are about 500 additional units they could put in this development. The handbook already gives them the ability to move densities around with this development. Mr. Thompson stated that staff was able to make all the applicable PD findings and they are recommending that the City Council grant tentative approval of this handbook amendment.

Council Member Carrigan asked if it was correct that the commercial has to have an out on Vista—access to Vista Boulevard. Mr. Thompson pointed out the only parcel that is identified as neighborhood commercial (as it exists today) and the parcel does have access onto Vista Boulevard.

Mr. Tom Whittemore thanked staff for their thorough review of the application and noted that the density of Winfield Springs today is 1.4 dwelling units per acre and this request would take it to 1.56 dwelling units per acre. This is one of the lowest development densities of any master planned community in Sparks and they are still well under the number of units which have been approved. He then discussed various positive aspects of the development which showed that they are well above the minimum standards for development and that Wingfield Springs is one of the highest quality developments in northern Nevada.

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

Mr. Lou Dauria, President of the Wingfield Springs Homeowners Association asked that the homeowners association be notified before the bonds are released so that they have a say on whether or not everything has been completed, including the common areas.

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

Community Development Director agreed that there have been occasions where the developer has not completed the common areas of a development; this is why staff has included a performance process in the southern neighborhoods. It will allow staff and the developer to take an incremental approach forward to see that these things get done. Mr. Krutz also noted that bonds are not required for improvements on private property, such as the common areas of a subdivision, so this has not been done in the past. Council Member Carrigan stated that an incremental performance process is a good idea and should enable staff to ensure that the common areas are completed prior to the developer moving on. Council Member Schmitt led a discussion regarding why the City could not require a bond for completion of common areas and who was ultimately responsible for seeing that all the work is completed before the project is considered completed.

Council requested that Mr. Dauria's concerns be put on a future agenda for discussion regarding possible resolution.

A motion was made by Council Member Carrigan, seconded by Council Member Ratti, to grant Tentative Approval of a request for an amendment to the Wingfield Springs Planned

Regular City Council Meeting Minutes for November 23, 2009

Development Handbook associated with PCN08012, adopting Findings PD1 through PD21 and the facts supporting those Findings as set forth in the staff report. The Tentative Approval includes that the applicant shall file for final approval of the planned development within one year from the date of the City Council granting tentative approval of the planned development handbook. Due to the nature of the tentative planned development, the City Council does not recommend that a bond be required at this time as stated in NRS 278A.490. Council Members Ratti, Salerno, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

8.4 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) (Continued from the November 9, 2009 City Council Meeting) (Time: 5:02:36 p.m.)

Senior Planner Jim Rundle noted that this item was continued several times and is once again before the City Council for consideration. Staff recommended denial of the annexation request to the Planning Commission and the Planning Commission has forwarded a recommendation of denial of the annexation request. Mr. Rundle stated that Council has heard the presentation on this annexation numerous times and he was available to answer any questions they may have.

Council Member Carrigan asked why would we take our sphere of influence down the Truckee Canyon if we were not going to do anything. He said he was not in favor of expanding our sphere of influence in this direction, but we did. So now he wants to know why we did. Community Development Director Neil Krutz responded that expanding in this direction is a logical extension of the City limits in the long run (30/50/100 years out). It is also an opportunity to develop a land use plan that will be fiscally positive for the City and help up to continue to broaden the city's fiscal base in the future. Mr. Krutz emphasized that their recommendation of denial is not because staff is sending a message that we do not want to expand in this direction, but convey a message that the land use plan needs to be completed and adopted and appropriate infrastructure studies and plans need to be in place to support the findings that development is fiscally positive, and that we can maintain infrastructure and serve development in the long run. He stated the recommendation of denial is simply saying that this annexation application is premature because those planning steps have not been completed.

Council Member Carrigan said if the annexation is premature, why we asked the applicant to do the annexation. Mr. Krutz explained that in the last legislative session there was a lot of discussion regarding the legislature taking away our ability to do discontinuous annexations. Staff felt that if we could annex an anchor parcel in this area, we could then do contiguous annexations. However, the annexation application process too longer than normal and the legislature did not act to change annexation law, so we still have noncontiguous annexation ability. In the mean time there was another property owner that applied for annexation and

Regular City Council Meeting Minutes for November 23, 2009

became the “anchor” for that area. Mr. Krutz clarified that yes, we did ask this property owner to annex the property, but in the meantime the circumstances have changed. Mr. Carrigan commented that we asked him to annex his property and now that we no longer need him, it appears that we are turning our backs on him. Mr. Krutz stated that staff continues to work with Mr. Wroblewski and the other major property owners in the area to develop a land use plan that they, as a group, can support; because we want to see that area become a vibrant part of Sparks.

Council Member Schmitt asked how much Mr. Wroblewski paid in application fees for the annexation, which was done at the City’s request. Mr. Rundle stated it was \$3,000. Mr. Schmitt asked for confirmation that Mr. Wroblewski did submit a land use plan. Mr. Rundle stated there is a draft East Truckee River Canyon Area Plan; however, the property owners, including Mr. Wroblewski, do not approve of the land uses that are reflected on that land use plan and did not want to move forward with that land use plan. Mr. Krutz clarified that the plan was paid for jointly by the City, Mr. Wroblewski, and Washoe County. An outside firm, CFA, was retained by the City to draft the plan. The plan started going through the planning process, but toward the end of that process, the major property owners expressed displeasure about how the plan was laid out and said it would not work for them. Staff then got the group of property owners together and let them know they all had to work in the same direction in order to move this forward. This was a couple of years ago and it wasn’t until very recently staff notices some agreement regarding how the plan will go forward.

Council Member Schmitt said that because we asked for the annexation, we need to honor our commitment to Mr. Wroblewski.

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

Mr. Krutz noted that yes, the City did ask for the annexation, but Mr. Wroblewski played a role in the change in circumstances after the request was made in that he did not agree with the land use plan and in the time he took to file the complete annexation request with the City so that we could get into the process and carry it forward. Mr. Rundle noted that state law requires that we request a fiscal analysis for an annexation application, but when the application was originally submitted in 2008, the application was deemed incomplete because there was no fiscal analysis. It took some time for Mr. Wroblewski to submit the fiscal analysis and the application period was extended substantially.

Council Member Smith stated that although the circumstances have changed, the City’s overall philosophy has not changed—we still want to plan and develop the East Truckee River Canyon.

Council Member Ratti stated that while we do have an obligation to the developer because he spent considerable money and time on this annexation request, the City Council also has an obligation to the citizens of Sparks to do property land use planning and move forward with quality development that is fiscally feasible.

Council Member Smith stated he did not want to see the area annexed one parcel at a time, but the entire area, with all property owners, annexed at one time. Mr. Krutz stated staff would relay that message to the property owners.

Regular City Council Meeting Minutes for November 23, 2009

Mayor Martini asked if the annexation was approved, could the developers build something on the property without the City's permission, since they don't have a land use plan. Mr. Rundle stated there is an industrial land use zoning designation on the property, so they could request to building anything allowed in that zone; however, they would have to go through the City's special use permit process to do so. Mayor Martini emphasized that the application and approval process will still need to be followed, regardless of whether or not there is a land use plan in place. Mr. Rundle stated in all likelihood and type of special use permit application would receive a recommendation of denial until a land use and facilities plan is in place.

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

Mr. Wroblewski said staff has done a great job in trying to bring this project forward. He then discussed his reasons why he felt that the City should approve his annexation request.

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

City Attorney Adams noted that a confidential client/attorney session had been held with the council regarding this application. He said he has been listening intently to the testimony tonight and he did not believe that when the developer got this "invitation" to annex his property that this application was being made in lieu of uncertainties surrounding a potential legislative action. He said this is all about land speculation. His guidelines are NRS 268.265 and NRS 268.6255, so based on what was said at the confidential attorney/client session and what he has heard tonight, he is on record as endorsing what staff is recommending.

Council Member Ratti said she has faith in staff's ability to represent the interests of the City as we are going through this process. She said she understands that nothing will happen in this area without the investment of the private community; however, she is troubled about the comments that it is important for the property owners to agree on and that they are investing in the land use plan when it is the City's job to find a land use plan that is good for the future of the City as a whole.

A motion was made by Council Member Smith, seconded by Council Member Schmitt, to approve Bill No. 2610 (Ordinance No. 2431) the Annexation request associated with PCN09018 to annex approximately 30 acres into the City of Sparks based on findings A1 through A4 and the facts surrounding these findings as set forth in the staff report. Council Members Smith, Carrigan, Schmitt, YES. Council Member Ratti, NO. Council Member Salerno, ABSENT. Motion carried.

9. Comments:

9.1 *From the Council and City Manager (Time: 5:32:42 p.m.)

Councilman Ron Smith, asked that item 5.7 from the November 9, 2009, City Council Meeting—Consideration and possible award of the Informal Quote, for the Larkin Circle Improvements Project to Atlas Contractors, in the amount of \$84,100—be reconsidered at the December 14, 2009, City Council Meeting.

Regular City Council Meeting Minutes for November 23, 2009

10. *Adjournment (Time: 5:32:15 p.m.)

There being no further business, the meeting was adjourned at 5:33 p.m.

Mayor

City Clerk

>>>