

REGULAR MEETING OF THE SPARKS CITY COUNCIL
April 10, 2006 3:00 p.m.

1.
Call to Order Time: 3:01:05 p.m.
The regular meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:00 p.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.

2.
Roll Call Time: 3:01:12 p.m.
Mayor Geno Martini, City Clerk Debi Dolan, Council Members John Mayer, Phillip Salerno, Judy Moss, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey, City Attorney Chet Adams, PRESENT.

Staff Present: Chris Syverson, Steve Driscoll, Stan Sherer, Tom Clewell, John Dotson, Neil Krutz, John Martini, Joyce Farley, Randy Waterman, Dan Marran, Linda Patterson, Adam Mayberry, Pete Etchart, Tim Thompson, Wayne Seidel, Karen Melby Armando Ornelas, Jim Rundle and Carrie Brooks.

Comments from the Public Time: 3:01:30 p.m.
Ms. Marilyn Brainard, 7326 La Costa Street, Sparks, spoke in support of funding for the Whitewater feature at Rock Park (6.1). She also supported placing a limit on the hours of operation for Burgess Park (7.1).

Mr. Al Hesson spoke in support of Washoe County purchasing the Baldini Ranch to be used for open space/recreation purposes.

Invocation and Pledge of Allegiance Time: 3:10:05 p.m.
The invocation was given by Pastor Brad Dyrness of Sparks First Church of the Nazarene and the Pledge of Allegiance was led by Council Member John Mayer.

Approval of the Agenda Time: 3:12:06 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 Mayer, seconded by Council Member Salerno, to approve the agenda as posted. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

3.
Approval of the Minutes Time: 3:12:38 p.m.
A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve the Minutes of the Special

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City Council Meeting of March 20, 2006. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

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

4.1

Exemplary Business
Award Presentation

Time: 3:13:06 p.m.

Chairman of the Sparks Advisory Committee for the Disabled, Laura Sheldon-Casson presented an Exemplary Business Award to the Western Village Hotel-Casino for their excellent customer service for people with disabilities in the Sparks community. Council Member Moss presented the plaque to Assistant General Manager Anita Louis.

5. Consent Items:

Time: 3:16:12 p.m.

A motion was made by Council Member Moss, seconded by Council Member Carrigan, to approve Consent Items 5.1 through 5.20. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

5.1

Report of Claims and
Bills

An agenda item from Acting Finance Director Joyce Farley recommending approval of the Report of Claims and Bills paid and the Appropriation Transfers made since the last regular Council Meeting for the period covering March 9, 2006 through March 22, 2006.

5.2

Cabaret License for
Sticky Fingers Bar &
Grill, 1605 Sullivan Lane

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Larry C. Strickland, 18185 Almondleaf Court, Reno, for a Cabaret License for Sticky Fingers Bar and Grill, located at 1605 Sullivan Lane. This will be Mr. Strickland's first liquor license with the City. The license will provide \$1,300.00 plus \$1.00 per \$1,000 in sales over \$50,000 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.3

Alcoholic Beverage
License for Saag Market,
1447 Prater Way

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Surjit Kaur, 1447 Prater Way, for an Alcoholic Beverage Package License for Chahal 2 Corporation, doing business as Saag Market, located at 1447 Prater Way. This will be Ms. Kaur's first liquor license with the City. The license will provide \$700.00 plus \$1.00 per \$1,000 in sales over \$25,000 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.4

Alcoholic Beverage
Package License for
Discount Liquor Plus 99

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Joginder Singh Randhawa, 3151 Sky Country Drive, Reno, for an Alcoholic Beverage Package License for Discount Liquor Plus 99 Cent,

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Center, 538 Greenbrae Drive located at 538 Greenbrae Drive. This will be Mr. Randhawa's second liquor license with Sparks. The license will provide \$700.00 plus \$1.00 per \$1,000 in sales over \$25,000 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.5
On Premises Alcoholic Beverage License for Grampy's, 1125 N. McCarran Boulevard #B1 An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Christopher Frank Somers, 21463 Rosepeak court, West Linn, Oregon, 97068, for an On Premises Alcoholic Beverage License for No Dirt, LLC, doing business as Grampy's, located at 1125 N. McCarran Boulevard, #B-1. This will be Mr. Somers first liquor license with Sparks. The license will provide \$1,000.00 plus \$1.00 per \$1,000 in sales over \$50,000 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.6
Gaming License for Grampy's, 1125 N. McCarran Boulevard #B1 An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Christopher Frank Somers, 21463 Rosepeak court, West Linn, Oregon, 97068, for a Gaming License for No Dirt, LLC, doing business as Grampy's, located at 1125 N. McCarran Boulevard, #B-1. This will be Mr. Somers' first gaming license with Sparks. The license is for fifteen multi-denominational, upright slot machines and will provide a \$1,800 annual fee, contingent upon inspections and approvals from various agencies as stated in the staff report.

5.7
Gaming License for Navjot Discount Liquor & Smaoke, 545 Nichols Boulevard An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Rodney Seth Atamain, 1833 Glenview Drive, Las Vegas, for a Gaming License for Golden Route Operations doing business at Navjot Discount Liquor and Smoke, located at 545 Nichols Boulevard. Mr. Atamain currently holds a Slot Route Vendor license and has several gaming and liquor licenses in Sparks. The license is for seven multi-denominational, upright slot machines and will provide an \$840 annual fee, contingent upon inspections and approvals from various agencies as stated in the staff report.

5.8
Gaming License for Scores Bar & Grill, 950 Glendale Avenue An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Rodney Seth Atamain, 1833 Glenview Drive, Las Vegas, for a Gaming License for Golden Route Operations doing business at Score's Bar & Grill, located at 950 Glendale Avenue. Mr. Atamain currently holds a Slot Route Vendor license and has several gaming and liquor licenses in Sparks. The license is for twelve multi-denominational, bar-top slot machines and will provide a \$1,440 annual fee, contingent upon inspections and approvals from various agencies as stated in the staff report.

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5.9
Gaming License for 7-
Eleven #23673, 600 15th
Street

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Louis Anthony Trio, 2819 Fuller Avenue, for a Gaming License for 7-Eleven #23673, located at 600 15th Street. Mr. Trio purchased the store in August of 2005 and has had a liquor license since 2005. This will be his first gaming license in Sparks. The license is for three multi-denominational, upright slot machines and will provide a \$360 annual fee, contingent upon inspections and approvals from various agencies as stated in the staff report.

5.10
Gaming License for
Murrieta's Mexican Food
& Sports Bar, 3060 Vista
Boulevard

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Mendoza, 4309 Cantamar Court, Sparks, for a Gaming License for Murrieta's Mexican Food and Sports Bar, located at 3060 Vista Boulevard. Mr. Mendoza currently holds a liquor license for this business and this will be his first gaming license in Sparks. The license is for ten multi-denominational, bar-top slot machines and will provide a \$1,200 annual fee, contingent upon inspections and approvals from various agencies as stated in the staff report.

5.11
On Premises Alcoholic
Beverage License for
Juicy's Giant
Hamburgers, 104 E.
Glendale

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Jae Jon Yoon, 3279 Alder Avenue, Fremont, CA 94536, for an On Premises Alcoholic Beverage License for Juicy's Giant Hamburgers, located at 104 E. Glendale Avenue. Ms. Yoon has recently taken over ownership of the business and this will be her first liquor license in Sparks. The license will provide a \$1,000 annual fee plus \$1.00 per \$1,000.00 over \$50,000.00 annually, contingent upon inspections and approvals from various agencies as stated in the staff report.

5.12
Reversion to Acreage
Map for Warden &
Warden, LLC

An agenda item from Community Development Director Neil Krutz recommending the Council approve a Reversion to Acreage Map for Warden and Warden, LLC for property located at 1978 Frazer Avenue. The conversion is to eliminate interior lot lines that conflict with existing buildings. The map has been reviewed by the Community Development Department as has been found to be acceptable.

5.13
Reversion to Acreage
Map for James W. and
Marjorie T. Ball

An agenda item from Community Development Director Neil Krutz recommending the Council approve a Reversion to Acreage Map for James W. and Marjorie T. Ball for property located at 545 4th Street. The conversion is to eliminate interior lot lines that conflict with existing buildings. The map has been reviewed by the Community Development Department as has been found to be acceptable.

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- 5.14
Reversion to Acreage Map for "C" Street Ventures 1, LLC
- An agenda item from Community Development Director Neil Krutz recommending the Council approve a Reversion to Acreage Map for C Street Ventures 1, LLC for property located at 728 "C" Street and 318 Pyramid Way. The conversion is to eliminate interior lot lines that conflict with existing buildings. The map has been reviewed by the Community Development Department as has been found to be acceptable.
- 5.15
Recommendation to Refund Permit Fees to Reynen & Bardis on Permit #A0505991
- An agenda item from Building Official Curt Weagel recommending the Council approve a refund of permit fees to Reynen and Bardis on Permit No. A0505991 in the amount of \$6,397.66. Reynen and Bardis made the decision to change the plot plans in Cosmic Village 14 after they submitted permit applications. They have requested and paid for new permits reflecting the desired changes. They understand they will not receive a refund of plan check fees. Permit fees are being refunded at 70%; Construction Tax at 100%; and RTC and Flood Control fees will be reversed in their respective credit books.
- 5.16
Recommendation to Refund Permit Fees to Reynen & Bardis on Permit No. A0505938
- An agenda item from Building Official Curt Weagel recommending the Council approve a refund of permit fees to Reynen and Bardis on Permit No. A0505938 in the amount of \$6,500.07. Reynen and Bardis made the decision to change the plot plan for lot 154, 3618 Desert Fox, to accommodate a customer after the permit application was submitted. They have requested and paid for a new permit reflecting the desired changes. They understand they will not receive a refund of plan check fees. Permit fees are being refunded at 70%; Construction Tax at 100%; and RTC and Flood Control fees will be reversed in their respective credit books.
- 5.17
Recommendation to Refund Permit Fees to Tanamera Commercial Development on Permit Nos. A0505285 and A0505308
- An agenda item from Building Official Curt Weagel recommending the Council approve a refund of permit fees to Tanamera Commercial Development on Permit Nos. A0505285 and A0505308 in the amount of \$15,912.96. Tanamera submitted permit applications with incorrect plans on the plot maps. They have requested and paid for new corrected permits. They understand they will not receive a refund of plan check fees. Permit fees are being refunded at 70%; Construction Tax at 100%; and RTC and Flood Control fees will be reversed in their respective credit books.
- 5.18
Bid Award to Jetway Chevrolet for a 4500 Flat Bed Truck
- An agenda item from Public Works Director Wayne Seidel recommending the Council award to Jetway Chevrolet the bid (No. 05/06-036) for a Chevrolet 4500 Flat Bed Truck in the amount of \$39,878.00. This vehicle will be used in conjunction with the soda blaster machine to remove graffiti from affected areas throughout

the City. This truck will transport the machine and related materials to the graffiti sites.

5.19

Bid Award to Harmon
Distributing for a
Combination Soda
Blaster/Compressor
Graffiti Removal System

An agenda item from Public Works Director Wayne Seidel recommending the Council award to Harmon Distributing the bid (No. 05/06-037) for a combination soda blaster, compressor graffiti removal system in the amount of \$22,618.00. This graffiti removal system is safe for the environment and less damaging to underlying surfaces and will be mounted on the flat-bed truck approved for purchase under item 5.18.

5.20

Bid Award to Carson
Dodge for a 4x4 ¾ Ton
Standard Cab Heavy
Duty Pickup with Utility
Service Body with
Enclosed Cap

An agenda item from Public Works Director Wayne Seidel recommending the Council award to Carson Dodge the bid (No. 05/06-038) for a 4x4, ¾ ton, standard cab, heavy duty pickup with utility service body with enclosed cap in the amount of \$33,629.00. This vehicle will be used for towing a new CCTV trailer and as a command vehicle during emergencies.

6. General Business:

6.1

Endorsement for the
Expenditure of Funds for
the Construction of a
Whitewater Recreation
Facility

Time: 3:17:19 p.m.

An agenda item from Parks and Recreation Director Stan Sherer requesting the Council endorse the recommendation to direct the total appropriation of SB314, Section 5 and SB-1, Section 32 funds (\$1.25 million) for the development of a whitewater facility in the Truckee River at Rock Park, in Sparks. The Nevada State Legislature provided \$1,250,000 in appropriations for Truckee River Recreation projects during the 2005 session. Members of the Truckee River Recreation Plan Steering Committee, sponsored by the Nevada Commission on Tourism, encouraged the Senate to approve the appropriations. These funds require an equal match of \$1.25 million for any funded project. The match for the project will be a portion of the County's \$13,200,000 purchase of the 55 acre parcel at Mill and McCarran. Expenditures for river enhancement or flood control measures along the Truckee are allowable to satisfy the criteria for the matching funds.

Mr. Sherer noted that the State Legislature in the 2005 session appropriated, through two different bills, \$1.25 million that was dedicated to recreational enhancements around the Truckee River. He said the original request was for \$2.4 million and there were four projects identified with that request. Since we only got \$1.25, all the tax supported agencies that were eligible for the funds got together and came to the consensus that the only viable project that was ready to go and the one that would have the biggest impact on the Truckee River, was the whitewater project at Rock Park. He

said he is asking the Council to endorse this as “the” project for use of the \$1.25 million and also to endorse the matching funds. It is a 50/50 match and the \$1.25 million would come from the County’s purchase of the 55 acre parcel for \$13.5 million for flood control measures. He said when this request was originally made, it was understood that any improvements to the Truckee, including flood control, would be eligible to be used as matching funds.

Mr. Sherer noted that in April the project will be going to the County Commissioners, the Reno City Council, the Finance Committee of the RSCVA, the full RSCVA Board, and ultimately to the Interim Finance Committee for the final approval of the appropriation of the entire amount to Rock Park.

In response to questions, Mr. Sherer said if everything lines up, we will be able to start construction in August and it has to be completed and we have to be out of the river by November 1st.

Council Member Mayer said at one point the Airport had some contention regarding the project. Mr. Sherer said our staff met with the Airport staff and the Board of Directors from the Airport and their concerns have been addressed and at this point they are not opposing the project.

Council Member Salerno stated that this will go before the RSCVA for approval and he sits on this board and he had encouraged his colleagues to support the project.

Mayor Martini asked if there could be some flood improvements made at the same time as the whitewater park. Consultant Jim Litchfield with Wood Rodgers said that this reach has been targeted for structural modifications under a flood control project, however, their design is not addressing any of those modifications at this time. He stated they are in discussions with Naomi Duer, the administrator of the Flood Control Committee and any opportunity they have for a calming scale will be implemented while they are under construction.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to endorse the total appropriation from SB314, Section 5 and SB-1, Section 32 funds \$1.25 million for the development of a whitewater facility at Rock Park. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.2

Request for a Variance from American Ready Mix for Development within the Regulatory Flood Way

Time: 3:22:54 p.m.

An agenda item from Engineering Manager John Martini requesting the City Council approve a request for a Variance to the Sparks Municipal Code, Title 15 (Sections 15.11.0210 through 15.11.0350, Floodways) to American Ready Mix for construction of structures and outdoor processing/manufacturing within the regulatory flood way.

Mr. Martini displayed a map and noted that this site is under consideration by American Ready Mix to relocate their plant to Sparks. The site is located at 1475 E. Greg Street and access to the site is from a private driveway off Greg Street, near the future extension of Sparks Boulevard. He noted that the site is located entirely in the FEMA Jurisdictional Floodway, which is different from our flood plain and is considered the active portion of the river during a flood event. As such, any development on the site is subject to the review of the Council for variance to Title 15.

He said that the applicant wants to make modifications to the existing structure on site to bring it up above the base flood elevation; put an addition onto the existing office building, so they can increase the number of employees that could be housed on the site; construct a series of washout ponds for the concrete equipment; and construct a batch plant on the site.

Mr. Martini said staff has given the applicant guidance on the best way to proceed so that staff could support this variance and asked them to retain a professional engineer to look at the hydrology at the site to determine if the findings under our variance could be met. The applicant has submitted a report to staff which has been reviewed and all the findings have been met.

Mr. Martini noted that the applicant will be putting the stockpiles of material in silos that are elevated and he said that he felt this was a very good design, even though it is in the floodway.

Mr. Martini then discussed the findings that needed to be made in order for the Council to grant a variance as follows:

- 1. The potential change in the floodway in a manner that would result in increased flood water depth for adjacent properties.** The analysis of the site by the professional engineer found that the batch plant is an exclusionary item when doing a hydrologic analysis. They are obstacles in the floodway; however under the standards practiced for hydrologic analysis they are not found to raise the flood plain and the spacing is such that hanging up of materials will be a

problem. The existing office building is already above the base elevation and the addition to the building will also be done above the base flood elevation and should not displace water to cause additional rise of water on other properties. The wash out ponds will be constructed below grade and should not be an issue. The floor of the existing workshop building will be brought up out of the base flood elevation and the applicant will also use acceptable methods to “flood proof” the building.

2. **Potential for stored materials to be swept away by waters, causing damage and blockage down stream.** The applicant will house materials in silos above ground. They have been asked to put together an emergency response plan for any other materials that will be stored on site and staff has reviewed the plan and upon notification of an impending flood, they will move the materials.
3. **Potential for other flood debris to be come trapped in fencing constructed around the site.** One of the Special Use Permit requirements is that the applicant remove all existing fencing and replace it with “post and sleeve” that can be removed during a flood event.

Per Section 15 of the SMC, there are 11 standards that must be found:

1. **The danger that materials may be swept onto other lands, injuring others.** The stored materials will be mainly above ground and the applicant has prepared an emergency evacuation plan which staff has found to be acceptable.
2. **The danger of life and property due to flood or erosion damage.** No impacts could be seen in the analysis. The applicant will be responsible for erosion control procedures during construction and operations.
3. **The susceptibility of the proposed facility and its contents to flood damage and the affect of such damage on the existing individual owner and future owners of the property.** The analysis shows that all the structures should be above base flood elevation, therefore damage to this property will be no different than any other property in the industrial area. Construction should not affect any of the other surrounding properties.

- 4. The importance of the services provided by the proposed facility to the community.** These will be valuable to our fast-growing community and provide a service to the large construction industry. The site also has access to arterial streets and light rails.
- 5. The necessity of the facility for a water front location.**
Not applicable.
- 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.** There are no other properties of this size with the correct zoning.
- 7. Compatibility of the proposed use with existing and anticipated development.** The subject property is located within the industrial area and is fully compatible.
- 8. The relationship of the proposed use to the comprehensive plan and flood plain management for that area.** The site is located within our industrial district and accommodates the use of the development. The technical studies presented in support of the project indicate that the floodway will not cause adverse impacts to upstream or downstream properties.
- 9. The safety of access to property in time of flood for ordinary and emergency vehicles.** Direct access is available to the property and facilities from Greg Street.
- 10. The expected height, velocity, duration, rate of rise and sediment transport of the floor waters expected at the site.** No change is anticipated. Although it is in a flood way, the calculations done by the professional engineer show it to be under 2 feet per second. Changes proposed by American Ready Mix on this site will not change that.
- 11. The cost of providing governmental services during and after flood conditions, including maintenance or repair of public facilities and facilities such as gas, sewer, electrical and water system and streets and bridges.** No public utilities are included and no change in the cost of providing governmental services is anticipated.

Mr. Martini said the variance also has to be consistent with the findings of fact set forth in Chapter 20.16.04 of the SMC:

1. **That there are exceptional or extraordinary circumstances applicable to the property involved that generally do not apply to other properties classified in the same zoning district.** Although properties of similar nature exist within the industrial zoning district, the adjacency to the cement distribution facility, access to light rail, access to public roadways and the size of the parcel all make for extraordinary circumstances for the subject site.
2. **The strict interpretation and enforcement of the specified provisions would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.** Other properties within the flood way enjoy outdoor manufacturing and storage uses. Outdoor manufacturing and storage is allowed within the industrial district via special use permit which the applicant will be required to obtain prior to development of the site.
3. **That the granting of the variance will not constitute or grant a special privilege inconsistent with limitations on other properties classified in the same zoning district.** Other properties within the industrial zoning district do enjoy outdoor manufacturing and storage uses.
4. **That the grant of the variance will not substantially impair the public health, safety or welfare or materially injure properties or improvements within the vicinity.** The professional engineer and staff review make this finding.

Council Member Moss asked if the existing building was done under a variance. Mr. Martini stated that no, it wasn't and that a lot of the development was done prior to FEMA mapping. He said there is a flood certification on the office building, but the warehouse building was constructed before we had base flood elevations. Council Member Moss asked if the warehouse building was flooded this past December 31st. The response was no. She asked if it was flooded in 1997. Mr. Mark Guken with Wood Rogers, representing the applicant, stated the existing warehouse building is actually still above the FEMA base flood elevation, but it doesn't meet the current City requirements of one foot above that elevation. He said that with substantial improvements to that structure, the applicant will be required to meet the City's standard.

Council Member Salerno thanked staff for working with the applicant to help them complete the proper documentation and get this application submitted. He said this business will be a great benefit to Sparks.

A motion was made by Council Member Salerno, seconded by Council Member Moss, to approve a request for a Variance to the Sparks Municipal Code, Title 15 (Sections 15.11.0210 through 15.11.0350, Floodways) to American Ready Mix for construction of structures and outdoor processing/manufacturing within the regulatory flood way. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.3

Resolution No. 3010,
Employee Resolution
with Management,
Professional and
Technical Employees

Time: 3:39:06 p.m.

An agenda item from Assistant City Manager Steve Driscoll recommending the City Council approve Resolution No. 3010, a resolution denoting certain employee positions as management, professional, and technical; providing for salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions; and providing other matters properly related thereto.

Mr. Driscoll provided a summary of the changes to the agreement with the management professional and technical employees, as listed in the staff report, noting that a lot of the changes mirror the operating engineer's labor agreement which the Council previously approved

He noted that there was some potential conflict between this resolution and the Charter as it relates to classified or unclassified job titles within this resolution. Staff has determined that the best way to handle this is that anyone who is currently under this resolution who was hired as a classified employee and had certain benefits under the processes of Civil Service would remain grandfathered in, but any time that position turned over in the future it would be an appointed position under this resolution. So we are not taking anything away, but changes will be made over time in the future.

Council Member Salerno asked for clarification that this resolution did not include senior staff. Mr. Driscoll assured him that this is not the executive resolution and the department heads are in a different resolution, which should be coming to the Council for approval in the near future.

Council Member Mayer asked how many employees were under this resolution. Mr. Driscoll responded it was 84 employees.

Council Member Mayer then asked how many were in the executive group. The response was 12. He then asked for confirmation that was “everybody except fire and police”. Mr. Driscoll said he would have one other labor resolution still outstanding and that was for the Deputy Police Chief and he is received direction and is working on that [resolution]. He said that once the executive and Deputy Police Chief resolutions are done, only the fire and police units would be outstanding. He emphasized that these labor agreements are in process.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve Resolution No. 3010, the resolution covering Management, Professional, and Technical Employees for Fiscal Year 2005-2006 through Fiscal Year 2007-2008, as outlined by staff. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.4

Resolution No. 3011,
Employee Resolution
with Confidential
Employees

Time: 3:51:54 p.m.

An agenda item from Assistant City Manager Steve Driscoll recommending the City Council approve Resolution No. 3011, a resolution denoting certain employee positions as confidential; providing for salaries for employees in these positions; providing benefits for these employees; providing for the repeal of all prior resolutions; and providing other matters properly related thereto.

Mr. Driscoll indicated that this resolution, in theory, is to mirror the operating engineers agreement, but over the years, the “cuts and pastes” and rearrangments had it quite out of order, so two things happened: 1) we restructured the agreement so that the sections in this agreement more closely match the sections in the operating engineers non-supervisory unit agreement; and 2) we made similar changes to those in the management, professional and technical resolution.

He briefly reviewed the changes as follows: the vacation accrual in section five was changed by adding a category at 10 years; under sick leave changes were made to be bereavement and “domestic partner” was added as a category; defines when and how a certificate of illness can be requested; section 7, worker’s compensation, provides a specific definition for when someone is hurt and getting their initial evaluation; court leave, adds the fair labor standards act travel regulations as the City’s guideline for when you are paid and when you are not paid when you are traveling on behalf of the City; military leave – as negotiated, the “double up” of receiving military and full employee pay has been eliminated; changes were made in language for employees being reimbursed for meals during overtime; changes were also made in

the language dealing with comp time as it relates to maxing out at 100 hours and well as when they can be paid or when they can accrue those hours; group health – employees after July 1st now being responsible for 25% of the dependant care coverage.

A motion was made by Council Member Salerno, seconded by Council Member Carrigan, to approve Resolution No. 3011, the resolution covering Confidential Employees for Fiscal Year 2005-2006 through Fiscal Year 2007-2008, as outlined by staff. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.5

Resolution No. 3014, for the Donation of all Bicycles to Reno-Sparks Kiwanis Bike Program

Time: 3:57:20 p.m.

An agenda item from Police Chief John Dotson recommending the City Council Resolution No. 3014, a resolution authorizing the donation of all bicycles to a charitable organization.

Chief Dotson stated this resolution would authorize the Police Department to donate all the unclaimed bicycles to the Kiwanis Bike Program and the Safe Kids Washoe County program. He noted that SMC 9.70.040(c) provides that the police may donate bicycles or bicycle parts to charitable organizations located in Washoe County.

He said they received this request asking that we donate our bicycles at auction and noted that we generally get a minimal amount of money for the bicycles at auction. He said these two organizations have teamed together to provide bicycle safety programs to kids in this region. He said we could be donating up to 100 bicycles (in some state of repair or disrepair) and they currently receive similar bicycles from the Washoe County Sheriff's Office and the Reno Police Department. He said staff feels that this is a good use of the bicycles.

Council Member Salerno noted that as far as he is aware, the Kiwanis are the only charitable organization that wants the bikes, because it is labor intensive to fix them up.

A motion was made by Council Member Carrigan, seconded by Council Member Salerno, to approve Resolution No. 3014 to donate the Sparks Police Department's inventory of unclaimed bicycles to the Kiwanis Bike Program. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.6

Request to Extend the Expiration Date for an

Time: 4:00:32 p.m.

An agenda item from Associate Planner Tim Thompson recommending the City Council approve PCN05010, a request

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SUP Associated with
PCN05010

from Delmont Associates, LLC to extend the expiration date for the Special Use Permit associated with PCN05010, Condition No. 2, which allowed for the development of a site with slopes of 10% or greater over 25% or more of the site on a site approximately 8.69 acres in size generally located northwest of Los Altos Boulevard, south of Desert Highlands Planned Development, and east of Talladega Drive.

Mr. Thompson displayed a site map and noted that it was located adjacent to the Desert Highlands development. He said on March 3rd of last year the Planning Commission forwarded a recommendation of approval to the City Council for this special use permit, as well as a tentative map. The tentative map allowed for an 8-lot, single family subdivision. Condition No. 2 of the special use permit allows for the extension of the expiration date; typically special use permits expire within one year, however, our code does allow the applicant to request a one year extension. Mr. Thompson noted that the new property owner is asking for that one year extension and staff is recommending approval.

A motion was made by Council Member Mayer, seconded by Council Member Moss, to grant a one year extension of the expiration date for the Special Use Permit associated with PCN05010, Condition No. 2, which allowed for the development of a site with slopes of 10% or greater over 25% or more of the site on a site approximately 8.69 acres in size generally located northwest of Los Altos Boulevard, south of Desert Highlands Planned Development, and east of Talladega Drive. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.7
1st Reading of Bill No.
2499, An Ordinance to
Update the Procurement
Code (Chapter 2.25)

Time: 4:02:36 p.m.
City Clerk Debi Dolan read Bill No. 2499 by title, Legislative changes 2001 and 2003 sessions; and providing other matters properly related thereto.

Mayor Martini announced that the public hearing and second reading of this bill will be conducted at the special City Council Meeting of April 24, 2006.

6.8
1st Reading of Bill No.
2500, PCN04057,
Rezoning of 3.8 Acres
from I to IC Located at
1554 South Stanford Way

Time: 4:03:00 p.m.
City Clerk Debi Dolan read Bill No. 2500 by title, a general ordinance providing for the rezoning of certain lands owned by Stanford Crossing, LLC, Fred and Liliana Kajans, Oppio Ranches, LLC, Latala Family Trust from I (Industrial) to IC (Industrial Commercial) on a site approximately 3.8 acres in size in the City of Sparks; generally located at the southwest corner of East Greg

Street and South McCarran boulevard (1544 South Stanford Way); and providing other matters properly relating thereto.

Mayor Martini announced that the public hearing and second reading of this bill will be conducted at the Special City Council Meeting of April 24, 2006.

6.9

1st Reading of Bill Nos. 2501 and 2502, PCN06012, Annexation and Rezoning of 4.22 Acres from A5 to NUD Located at 1554 South Stanford Way

Time: 4:03:43 p.m.

City Clerk Debi Dolan read the following bills by title:

Bill No. 2501, a general ordinance providing for the annexation of certain lands to the City of Sparks; lands more specifically described as Assesor Parcel Number 542-412-02, a site approximately 4.22 acres in size, owned by James Reynolds, generally located east of Wingfield Springs Road, north of Wingfield Springs, southwest of Cimarron and east of Baldwin Way; providing for the addition to Table V of the Sparks Municipal Code "Annexations"; and providing other matters properly relating thereto. And;

Bill No. 2502, a general ordinance providing for the rezoning of certain lands owned by James Reynolds from A5 (Agriculture, 5 acre minimum) upon annexation to R1-6 (Single Family Residential, minimum 6,000 square feet) on a site approximately 4.22 acres in size in the City of Sparks; generally located at the east of Wingfield Springs Road, north of Wingfield Springs, southwest of Cimarron and east of Baldwin Way; and providing other matters properly relating thereto.

Mayor Martini announced that the public hearing and second reading of these bills would be conducted at the Special City Council Meeting of April 24, 2006.

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

7.1

P.H. on Interlocal Agreement with RTC for the Bus Transit Facility and Conveyance of Two Parcels and the Abandonment of Portions of 14th, 15th and Victorian

Time: 4:05:17 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council conduct a public hearing and approve an Interlocal Cooperative Agreement with the Regional Transportation Commission (RTC) for the bus transit facility to be known as Centennial Plaza, and the conveyance of two described City parcels and the abandonment of identified portions of 14th Street, 15th Street, Victorian Avenue, and an alley way as shown as Parcels C through I, to the RTC.

Mr. Seidel noted that this agreement is for the bus transit facility that has been designed and in for review at our Building

Department. He said it transfers some public right-of-way on 14th and 15th Streets, as well as a sliver of Victorian Avenue and the alleyway and Parcels C through I. He said this is scheduled to go to the RTC Board on April 24th for ratification of the agreement. He said CFA is the consultant for RTC and Andy Fuller has reviewed it for the City of Sparks.

Mayor Martini opened the public hearing by asking if there was any one present who wished to speak on this matter. There being no comment, the public hearing was closed.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve the Interlocal Cooperative Agreement, conveyance of the two described parcels of land, and the relinquishment of the public easement rights retained by the City as outlined by staff. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

7.2

Adoption of Bill No. 2497, Changing the Operation Hours for Burgess Park

Time: 4:07:06 p.m.

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council conduct a public hearing and approve Bill No. 2497, an ordinance amending Sparks Municipal Code 12.24.030 specifically relating to which parks stay open all hours; and providing other matters properly related thereto.

Mr. Sherer noted that this item originated at the SMART Committee meeting and members of the Police Department recommended that we take Burgess Park out of the 24-hour operations category and have a 10 p.m. closing time so that they could enforce any loitering, vandalism or graffiti that is going on at the park. Staff is recommending the 10 p.m. closing time for Burgess Park. He said that the only parks that will still be 24 hour parks are the sports complexes and Deer Park.

Council Member Salerno asked for clarification that the other two parks are the only two that are still 24 hour parks. Mr. Sherer noted that the ordinance currently identifies four parks, including Burgess that are not limited to the park hours of 6:00 a.m. to 10 p.m. and this ordinance eliminates Burgess as one of those parks.

Mayor Martini opened the public hearing by asking if there was any one present who wished to speak on this matter. There being no comment, the public hearing was closed.

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to approve Bill No. 2497 (Ordinance No. 2318). Council Members Mayer, Salerno, Moss, Carrigan,

Schmitt, YES. Motion carried.

8. Planning and Zoning Public Hearings and Action Items:

8.1

Adoption of Bill No.
2496, PCN05083,
Kudrna, Rezoning from
R1-15 to R1-6 and
Tentative Map on
Property Located at 4000
Wedekind Road

Time: 4:09:19 p.m.

An agenda item from Summer Pellett recommending the City Council conduct a public hearing and approve Bill No. 2496, a general ordinance providing for the rezoning of certain lands owned by Anthony J. Kudrna from R1-15 (single family residential, 15,000 square foot minimum lot size) to R1-6 (single family residential, 6,000 square foot minimum lot size) on approximately 1.42 acres in the City of Sparks; located at 4000 Wedekind Road in Sparks; and providing other matters properly relating thereto. And;

A request for approval of a Tentative Map to allow a 6-lot single family residential subdivision, located at 4000 Wedekind Road.

Ms. Pellett noted that this application would rezone 1.42 acres to allow a 6-lot residential subdivision. She said this will be an in-fill project that will bring the site into conformance with the Sparks Master Plan. She said the current R1-15 zoning is less than the low density master plan land use designation allow for because medium density residential land use allows for zoning between R1-6 to R1-12, so the current zoning does not meet the density and by rezoning it to R1-6, the property would be in conformance.

Ms. Pellet noted that as shown in the site plan on page 17 of the staff report, two of the lots will be accessed from Wedekind Road and four of the lots will be accessed off a private drive off Sullivan Lane. She said the proposed single family residential use of the site is consistent with the City of Sparks Master Plan and is a similar type of use and density as the surrounding properties.

Ms. Pellet stated that at the February 2, 2006, Planning Commission Meeting, the rezoning and tentative map were approved, subject to 22 conditions of approval. At that meeting, Condition No. 19, on page 14 of the Planning Commission staff report was changed by the Planning Commission to require that the architectural elevations be submitted to the Planning Commission as a general business item for their review and approval. Staff had conditioned the project to require that the architectural elevations be submitted to staff for review and approval prior to issuance of building permits. She noted that the Design Standards Manual would be used for review of the elevations and that is why staff recommended staff review.

Ms. Pellet stated that the applicant has provided a letter which is included in the Council's staff report that requests that the Council consider reversing the Planning Commission's change so that staff could approve the elevations. She said the applicant is not sure whether they are going to be doing custom lots, but if this is the way the property is developed it would mean the applicant would have to come back to the Planning Commission for each individual house for architectural review.

Council Member Moss asked for the Planning Commission's rationale for changing Condition No. 19. Ms. Pellett stated that usually larger developments come in with Planned Development Handbooks and the Planning Commission likes to see the elevations for an entire planned development subdivision. She pointed out that in this case, the project has standard City of Sparks zoning so the Design Standards Manual is in place for staff to review those projects. She stated that the condition was written for staff review because as a staff, they felt comfortable doing the review using the design standards.

Council Member Moss asked if it was the recommendation of staff to approve the application without the change made by the Planning Commission. Ms. Pellett stated that staff is comfortable doing the review of the architecture without having the elevations go back to the Planning Commission and the applicant is requesting that they not have to take the elevations back to the Planning Commission for review and approval.

Council Member Carrigan asked Ms. Pellett if she knew the reason the Planning added this requirement. Ms. Pellett said the Planning Commission added this condition at the end of their discussion, but she had no clear idea of the reasoning for the change.

Council Member Schmitt said the issue of the Planning Commission review of architectural drawing goes back a long time. Ms. Pellett said yes, it did and this is why the Design Standards Manual was put in place. He said it was his understanding that it was pretty much routine that building elevations be reviewed by the Planning Commission as a general business item. Ms. Pellett stated that review of elevations was usually associated with the planned development handbooks, but the Planning Commission asking to see the elevations was not out of the ordinary. Ms. Pellett clarified that she has been employed with the City for two years and this is the first time she is aware of that the Planning Commission has put this condition on **City of Sparks zoned property**. She said the property is zoned NUD and

it has a planned development handbook, the elevations always go back to the handbook if it is not a part of the tentative map approval.

Council Member Schmitt said he has a problem with the letter submitted by the applicant in that he felt it did not address the change to Condition No. 19; that all it talked about was excavation of the rock to be salvaged for additional architectural elements. Ms. Pellett noted that in addition to the original stone house, there is a stone shed and some stone walls that they will be removing and they hope to be able to re-use the rock from the shed and the walls for architectural elements on the new houses, but they can't guarantee that they will be able to do this.

Council Member Schmitt complained that there were no minutes from the Planning Commission meeting in the Council's packet, so he had no way of knowing why the Planning Commission changed the condition.

Council Member Mayer had a question regarding the site map and Zephyr Way. Community Development Director Neil Krutz responded that the extension of Zephyr Way and the construction of the cul-de-sac was not this project, but was part of the Gibbons Trust project which was previously approved by the Council.

It was clarified that the original stone house will remain and there will be five new houses built, for a total of 6 homes. Ms. Pellett also clarified where the access would be for the new homes and that this project was completely separate and not contingent in any way on the project from Zephyr Way.

Council Member Mayer asked about the existing trees on the property. Ms. Pellett stated she was not sure what types of trees were on the property or the location of the trees that will be kept, but the applicant did have a certified Arborist assess the site and the health of the trees and they will be removing the dead and damaged trees from the site.

Mr. Eric Anderson, Big Horn Consulting, representing the applicant, stated they would do their best to leave the trees in place on the property, but they were planning to remove the dead trees.

Mr. Anderson stated they are appealing the change made to condition 19 by the Planning Commission because they don't feel the requirement to come back to the Planning Commission for review of architectural elevations applies to a five-lot custom

subdivision. He said it would cause a “headache” to have to come back to the Planning Commission for each house as it is built.

Council Member Salerno asked for clarification of how the conditions was originally worded and how the Planning Commission changed the wording. Ms. Pellet said when the condition was submitted to the Planning Commission, the condition read, “Architectural Elevation: The developer shall provide the architectural elevations for the single family residential units that are to be constructed within this 6 lot single family residential subdivision to the Community Development Department. The elevations must be reviewed and approved by the Administrator prior to the recordation of a final map for this project.”

At the February 2, 2006 public hearing meeting, the Planning Commission changed the condition to read, ““Architectural Elevation: The developer shall provide the architectural elevations for the single family residential units that are to be constructed within this 6 lot single family residential subdivision to the *Planning Commission for review and approval as a general business item* prior to the recordation of a final map for this project.”

Council Member Schmitt asked what the time frame difference would be between Planning Commission approval and staff approval of the elevations. Ms. Pellett said it would take about a month to put the approval on the agenda as a general business item versus about 19 days for staff review and approval.

Mr. Krutz stated that as a staff they represent the Planning Commission and the Commission’s recommendation is to have the architecture come back to them. He said what it boiled down to was their level of comfort with the application, as they saw it. He said he wished they had the minutes of the meeting, however, he did not feel that taking these elevations back to the Planning Commission as being any sort of burden on the applicant.

Council Member Carrigan said that he had nothing against the Planning Commission, but to him you either go by the Planning Manual or you want to see everything. He said let’s not pick out developer over another and he was concerned that the process is followed. Mr. Krutz said that if memory serves, the architecture with the existing structure and the availability of the materials on site raised sufficient questions in their mind, that for them it really wasn’t a process related question so much as a comfort with how is this going to match what is there and what materials they were

going to be generating on site.

Mayor Martini opened the public hearing by asking if there was any one present who wished to speak on this matter. There being no comment, the public hearing was closed.

A motion was made by Council Member Schmitt, seconded by Council Member Salerno, to approve Bill No. 2496 (Ordinance No. 2317) the rezoning request associated with PCN05083 to rezone approximately 1.42 acres from R1-15 (single family residential, 15,000 square foot minimum lot size) to R1-6 (single family residential, 6,000 square foot minimum lot size) based on findings Z1 through Z3 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

There was a discussion regarding the conditions in the staff report with Ms. Pellett clarifying that she failed to amend the conditions in the staff report to reflect the Planning Commission's change; however, she did list both of the conditions on page two of the City Council's cover report.

Council Member Schmitt asked staff what they wanted the Council to do. Mr. Krutz stated that what staff supports is what the Planning Commission forwarded as a recommendation and that would take the elevations back to them as a general business item.

A discussion ensued regarding whether or not the applicant would have to go back to the Planning Commission if he sold off the lots to individuals who then built their houses. The answer was that yes, each of the owners would have to bring their elevations to the Planning Commission. Mr. Krutz stated that this was unusual, but it goes back to the specific character of the site and the historical nature of the existing single family home.

Council Member Mayer said he felt it was a big change in procedure to have these six lots come back for review. Mr. Krutz stated the Commission was going more and more toward "bring us your elevations, please" and it was a change in the way we did business in the past.

Council Member Carrigan said that he would support the motion to uphold the Planning Commission's change, but he felt that the policy should be more clearly defined. There was further discussion regarding which projects did or did not have to go to the Commission for approval of elevations.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve the Tentative Map request associated with PCN05083 to the City Council, adopting Findings T1 through T12 and the facts supporting these Findings as set forth in the staff report, subject to conditions of approval 1 through 22, as listed in the staff report, upholding the Planning Commission's change to Condition #19, that the architectural elevations go back to the Commission for review and approval. Council Members Salerno, Moss, Carrigan, Schmitt YES. Council Member Mayer, NO. Motion carried.

8.2

Adoption of Bill No. 2498, PCN06009, Rezoning of 3.9 Acres from TC to NUD

Time: 4:45:37 p.m.

An agenda item from Associate Planner Jim Rundle recommending the City Council conduct a public hearing and approve Bill No. 2498, a general ordinance providing for the rezoning of certain lands owned by the Sparks Redevelopment Agency from TC (Tourist Commercial) to NUD (New Urban District) on three parcels totalling approximately 3.9 acres in the City of Sparks; generally located within the downtown Redevelopment District (Victorian Square); and providing other matters properly relating thereto.

Mr. Rundle displayed a map of the subject parcels and discussed the location of each parcel and stated that staff and the Planning Commission are recommending approval of the rezoning. He said essentially this is the first step in the redevelopment project for down town and these are the three parcels where Trammel Crow will build the condominium and mixed use projects. The property is being rezoned to NUD so that we can achieve the density needed for the project. He noted that none of our existing zoning categories would allow us to do a project of that density and staff determined that the best way was to do a handbook for down town and zone these parcels NUD.

Mr. Rundle noted that the handbook has been submitted for staff review and it should go to the Planning Commission for approval within a month or so.

Mayor Martini opened the public hearing by asking if there was any one present who wished to speak on this matter. There being no comment, the public hearing was closed.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve Bill No. 2498 (Ordinance No. 2319), the Rezoning request associated with PCN06009 to rezone 3.9 acres from TC (Tourist Commercial) to NUD (New

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Urban District) based on findings Z1 through Z3 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

9.
Comments from the
Council and City
Manager

Time: 4:48:31 p.m.
Council Member Schmitt congratulated the Parks and Recreation Department for a very successful Easter Carnival held at 98 Richards Way last Saturday.

10.
Adjournment

Time: 4:49:01 p.m.
There being no further business, the meeting was adjourned at 4:49 p.m.

Mayor

City Clerk

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