

REGULAR MEETING OF THE SPARKS CITY COUNCIL
May 22, 2006 3:00 p.m.

1.
Call to Order Time: 3:02:19 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: 3:02:25 p.m.
Mayor Geno Martini, City Clerk Debi Dolan, Council Members John Mayer, Phillip Salerno, Judy Moss, Mike Carrigan, Ron Schmitt, Assistant City Manager Randy Mellinger, City Attorney Chet Adams, PRESENT. City Manager Shaun Carey, ABSENT.

Staff Present: Chris Cobb, Jon Erickson, Pete Etchart, Joyce Farley, Andy Flock, Neil Grad, Stacie Hemmerling, Debi Hunt, Neil Krutz, Dan Marran, John Martini, Adam Mayberry, Karen Melby, Alan Minor, Linda Patterson, Gary Potter, Margaret Powell, Jim Rundle, Stan Sherer, Wayne Seidel, Chris Syverson, Mary Jo Teston, Tim Thompson, Lenda Ulrich, Tracy Wheeler, and Carrie Brooks.
- Comments from the Public Time: 3:02:49 p.m.
Mr. William Brainard, 7326 La Costa, a member of the Civil Service Commission, referred to e-mails he sent the Council and urged them to approve item 5.9, because he felt the Civil Service Commission really needed an outside opinion because of the individuals involved.
- Invocation and Pledge of Allegiance Time: 3:04:28 p.m.
The invocation was given by Reverend Kate Atkinson, St. Paul Episcopal Church and the Pledge of Allegiance was led by Council Member Judy Moss.
- Approval of the Agenda Time: 3:06:55 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 Moss, seconded by Council Member Mayer, to approve the agenda as posted. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.
3.
Approval of the Minutes Time: 3:07:42 p.m.
A motion was made by Council Member Mayer, seconded by Council Member Moss, to approve the Minutes of the Regular City Council Meeting of May 8, 2006. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

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

4.1

Presentation – Asian Pacific American Heritage Month

Time: 3:08:21 p.m.

Mayor Martini read a proclamation naming May, 2006 as Asian Pacific American Heritage Month in recognition of the many contributions made by Asian immigrants.

4.2

Presentation by Parsons Transportation on I-80 Corridor Study

Time: 3:09:25 p.m.

Civil Engineer Jon Erickson introduced Mr. P.D. Kaiser of Parsons Transportation, who handed out excerpts from the Freeway Corridor Study they did in 2002 for RTC and Washoe County and reviewed several elements of the study pertaining to the City of Sparks.

Council Member Schmitt asked if there was anything in the works to get improvements done to the Vista/I-80 off ramp, because traffic backs up onto the Freeway during the peak evening hours. Mr. Kaiser noted that the model they used only included approved projects and there could well be projects and developments that have occurred since the study that have increased traffic in that area.

Council Member Mayer commented on the need for an urban interchange at McCarran and I-80 and also discussed the need for the Tahoe/Pyramid link.

4.3

Presentation of 2006 Public Attitude Survey Results

Time: 3:29:16 p.m.

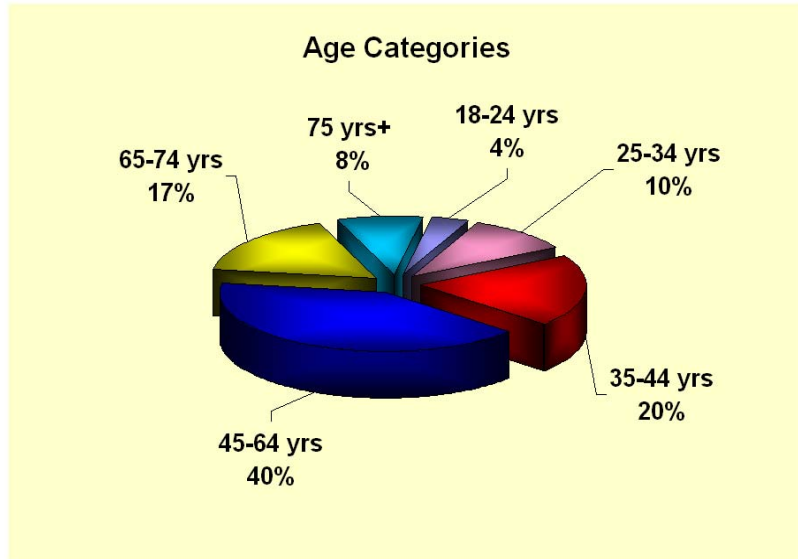
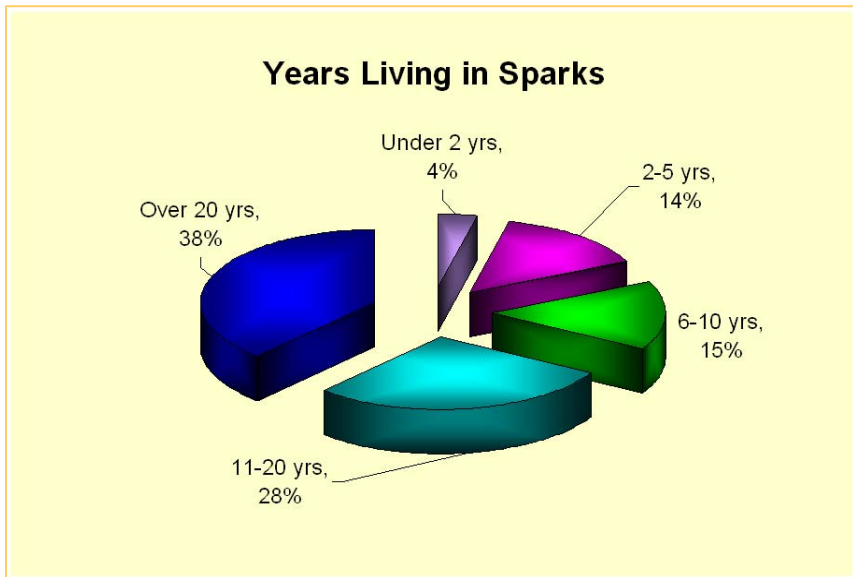
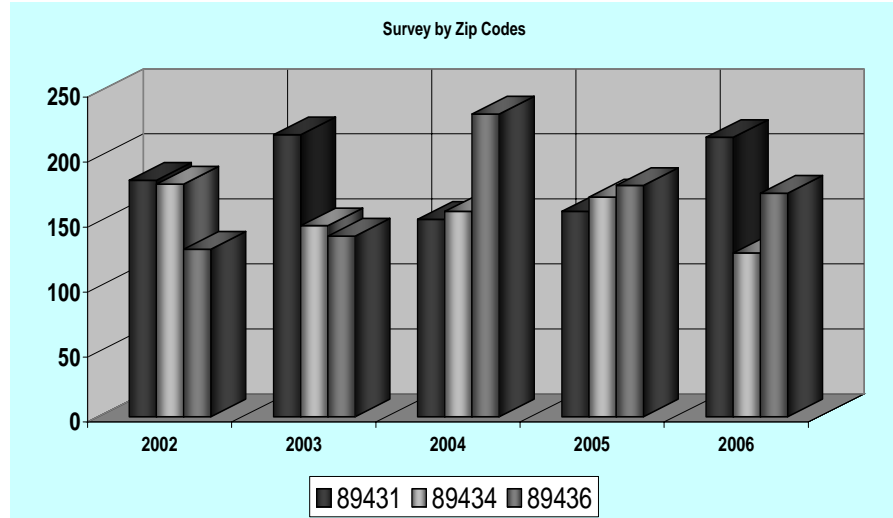
Executive Administrator Linda Patterson presented the results of the Seventh Annual, 2006 Public Attitude Survey, noting that 2600 phone calls were made by 18 surveyors, who conducted 513 random interviews, which gives the survey a 95% confidence level. Ms. Patterson reviewed the demographics of those surveyed and how those interviewed felt about the services the City provides and then responded to questions from Council. Her presentation is outlined as follows:

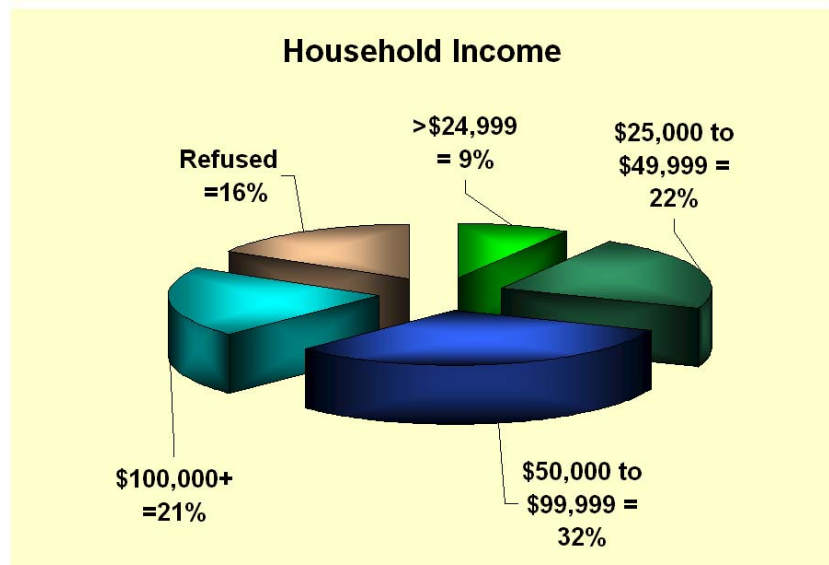
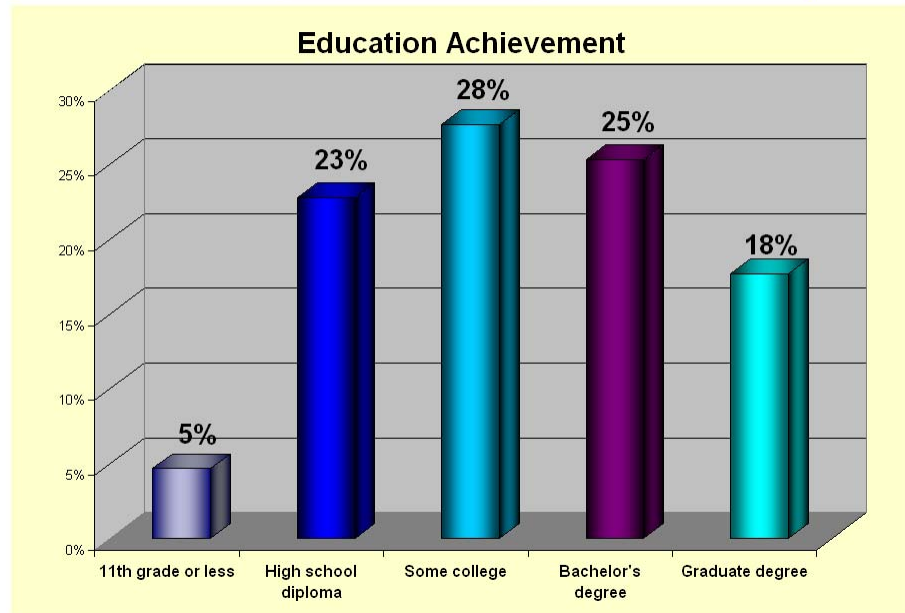
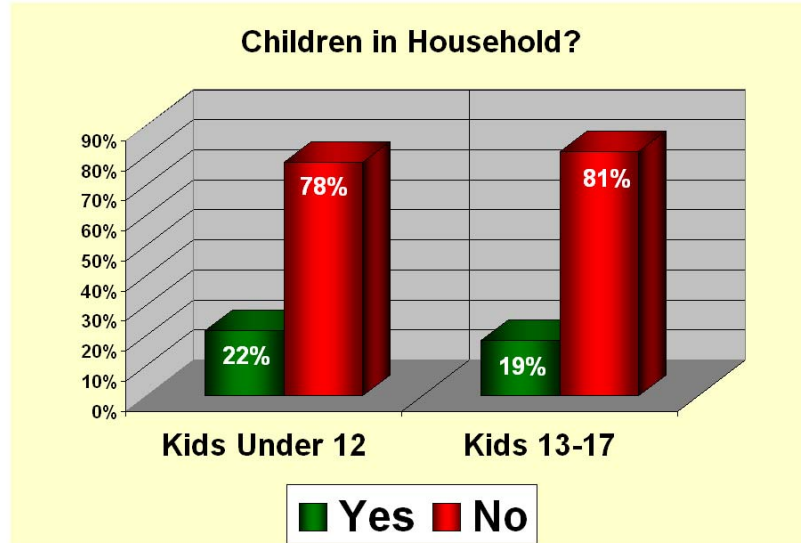
CITY OF SPARKS - 2006 Public Attitude Survey

Survey Overview

- Seventh Annual Survey
- 2600 Phone Calls
- 18 surveyors
- 513 Random Interviews
- 95% Confidence Level

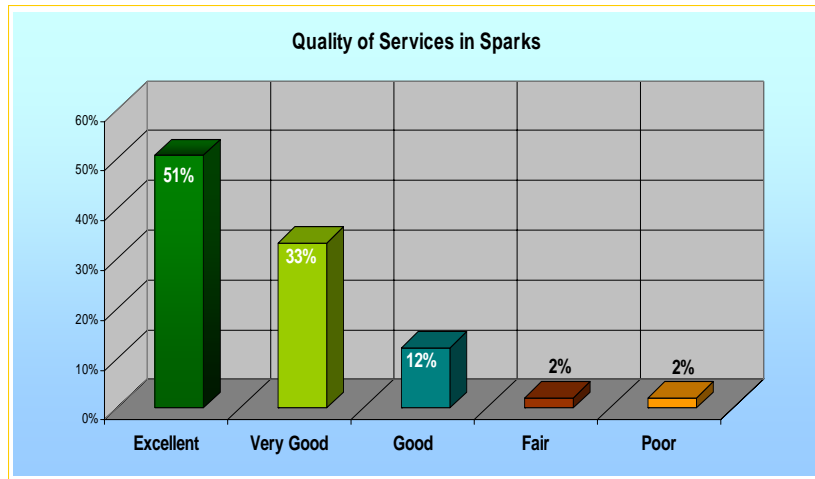
Demographics - Survey by Zip Codes



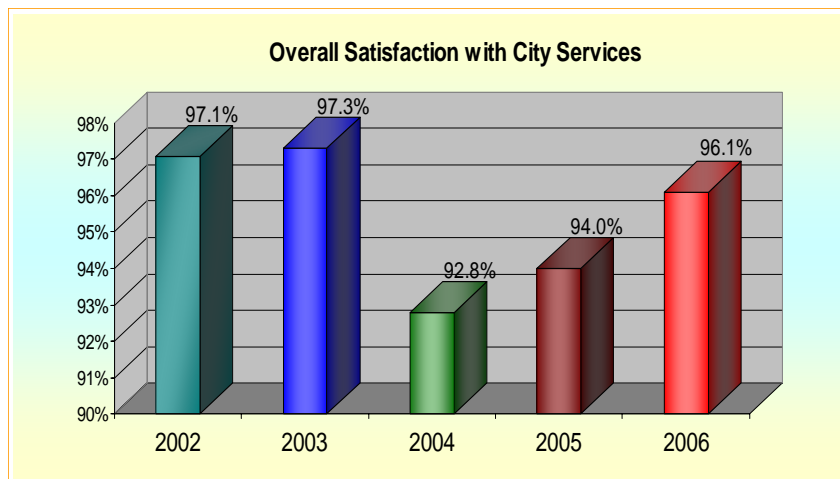


Sparks City Services

How do you Rate the Overall Quality of Services in Sparks?

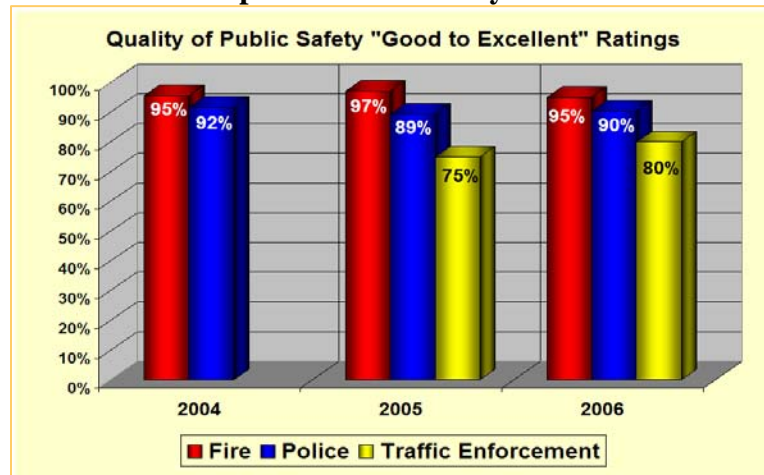


Overall Satisfaction for Past 5 Years

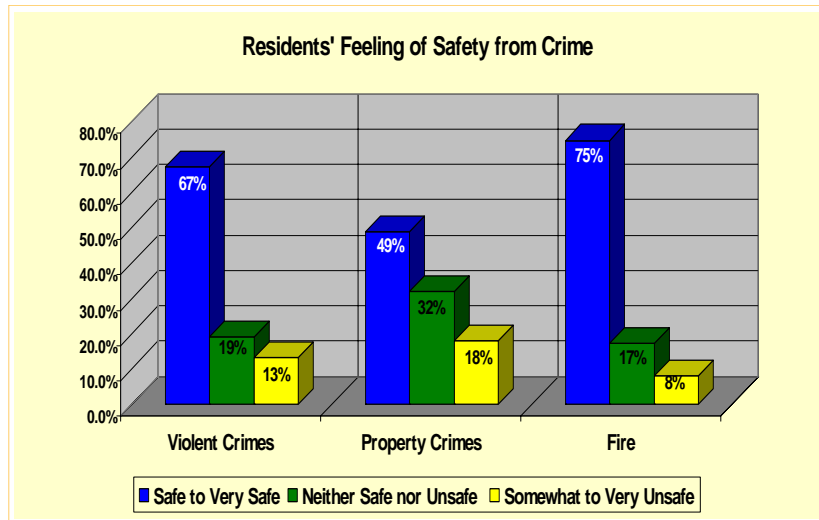


PUBLIC SAFETY

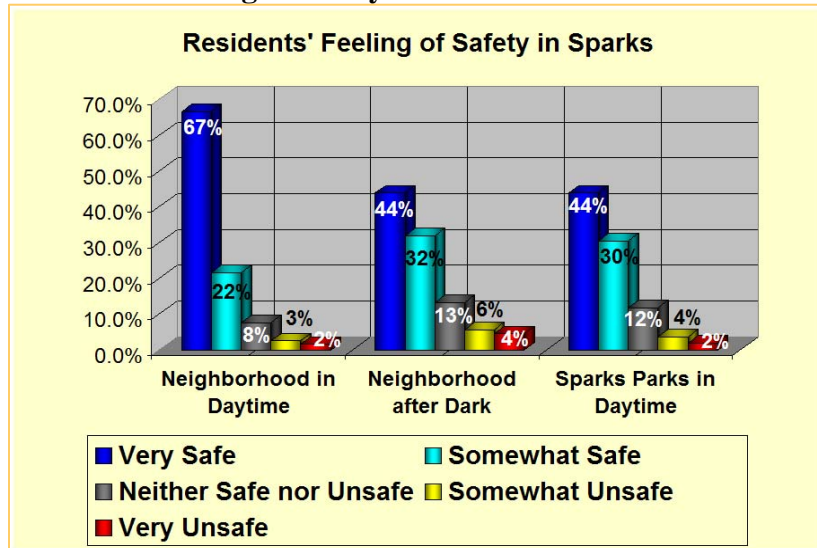
Residents Rate Sparks Public Safety Services



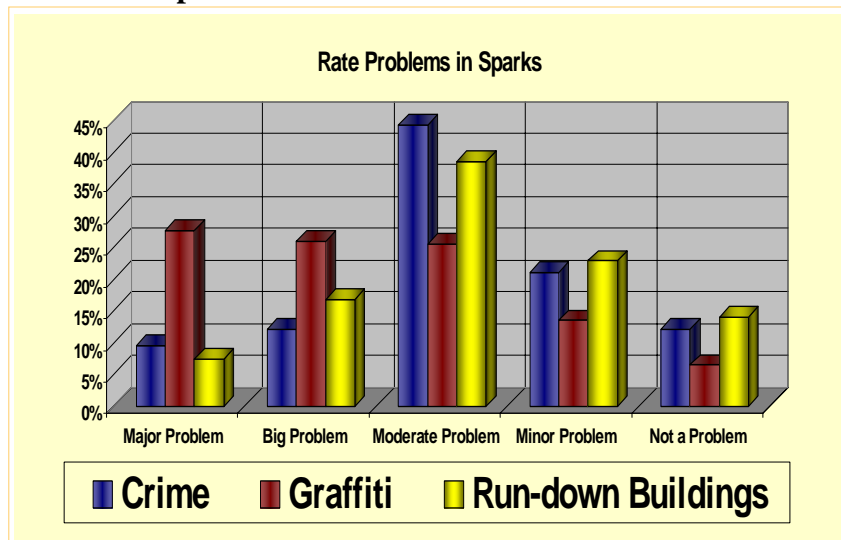
Residents' Feeling about Crime



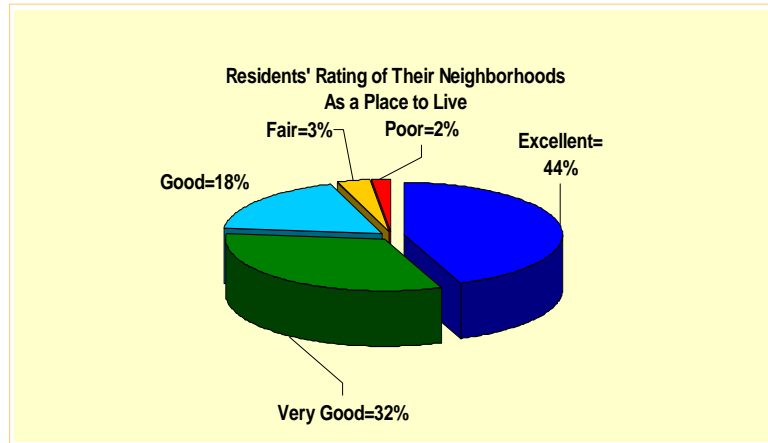
Residents' Feeling of Safety



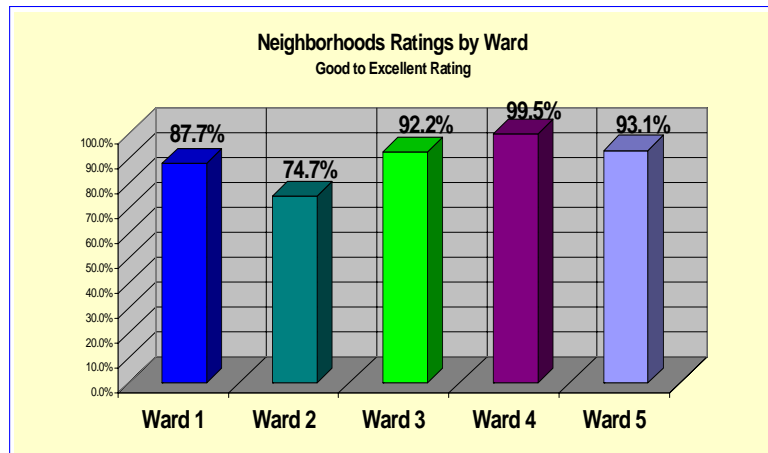
Problems in Sparks



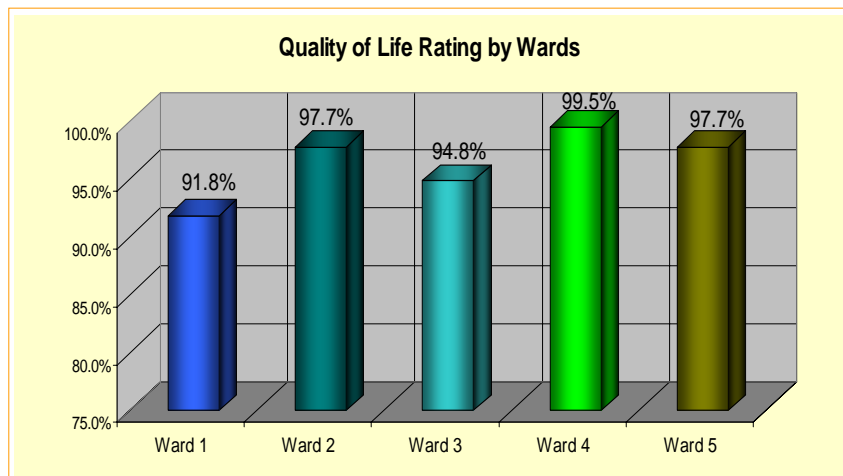
REDEVELOPMENT & ECONOMIC DEVELOPMENT
Rating Quality of Neighborhoods
94% "Good to Excellent" Rating



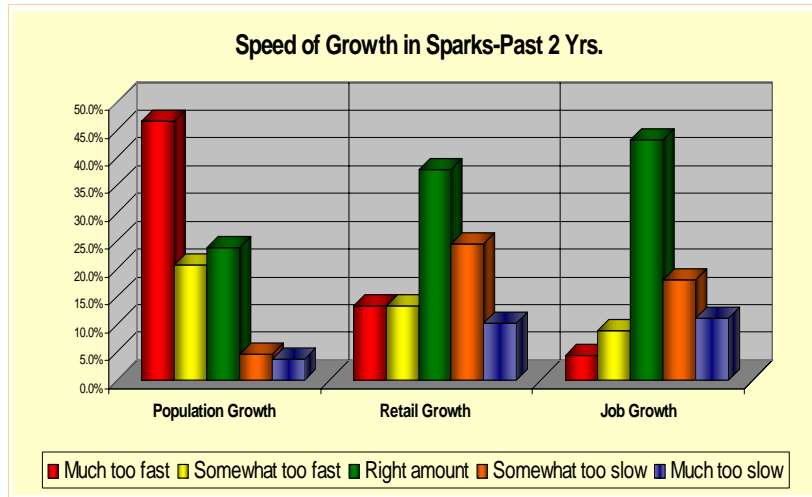
Neighborhood Ratings by Ward



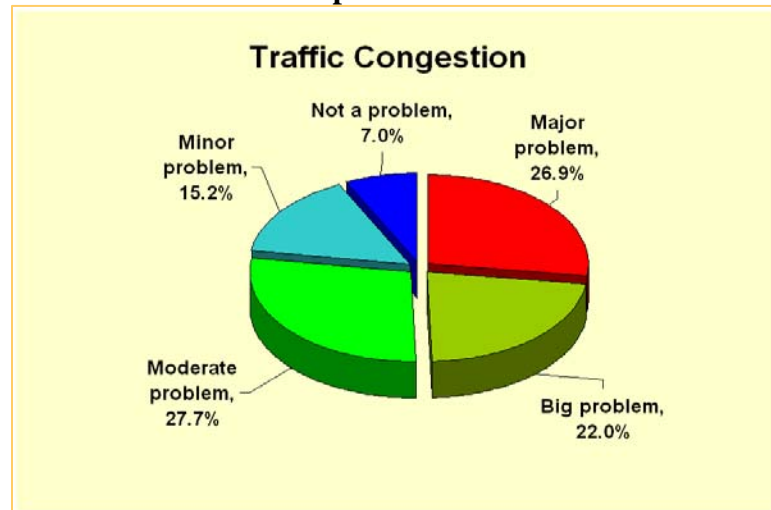
Quality of Life Rating in Sparks by Ward



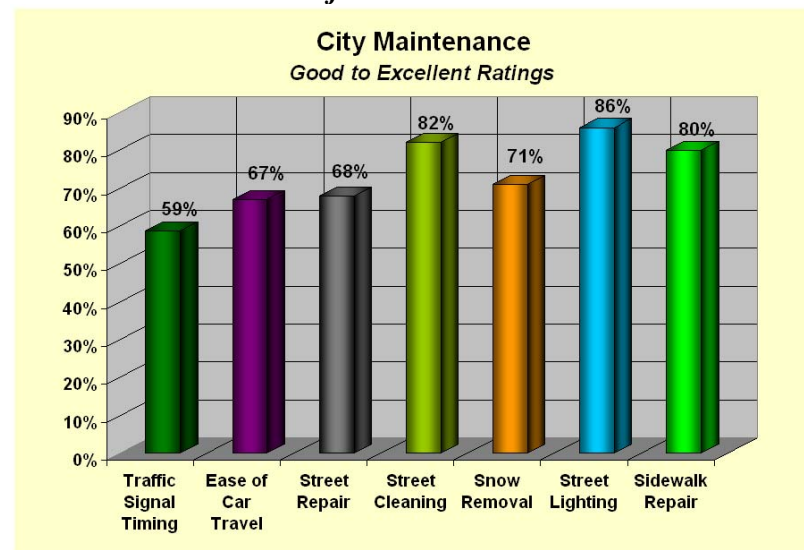
Growth

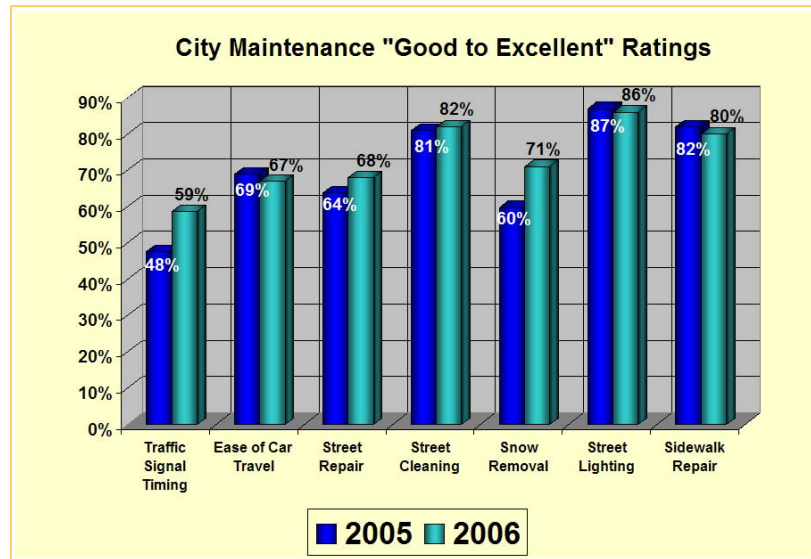


Infrastructure & Transportation

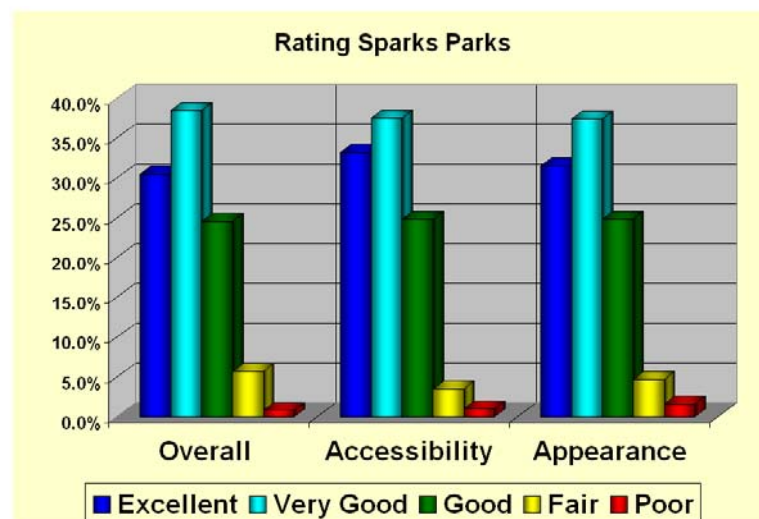
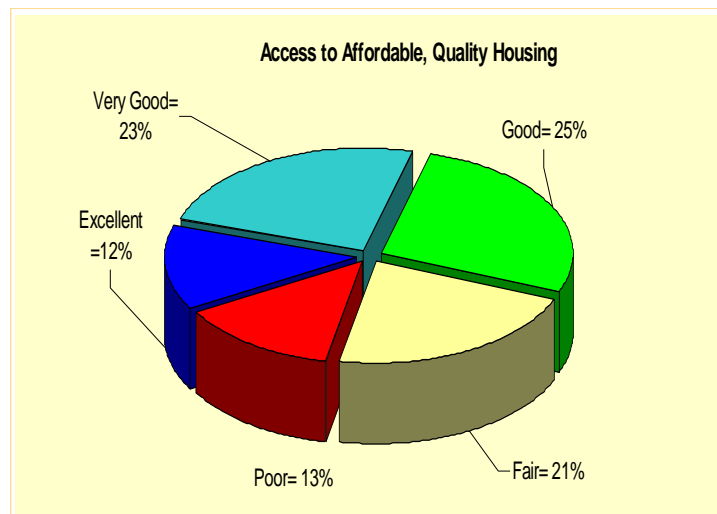


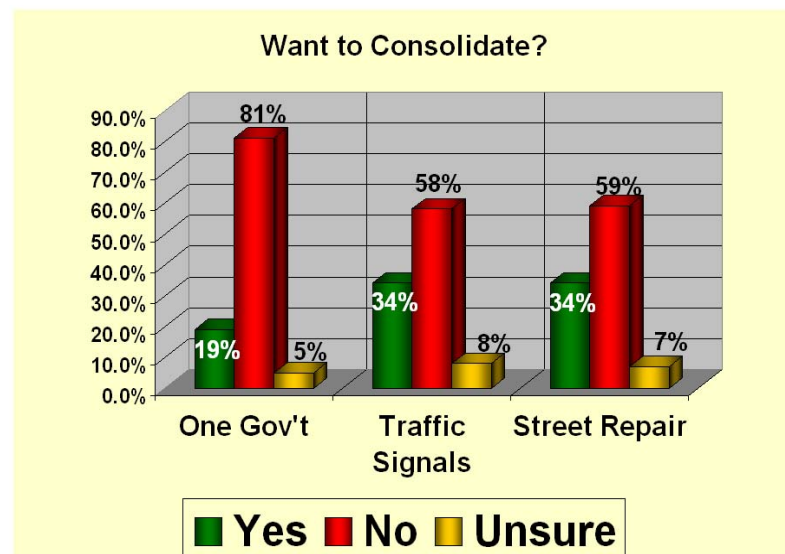
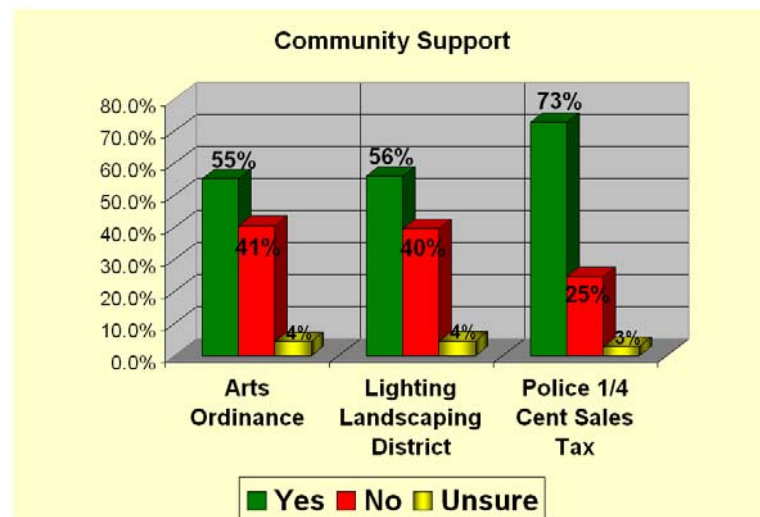
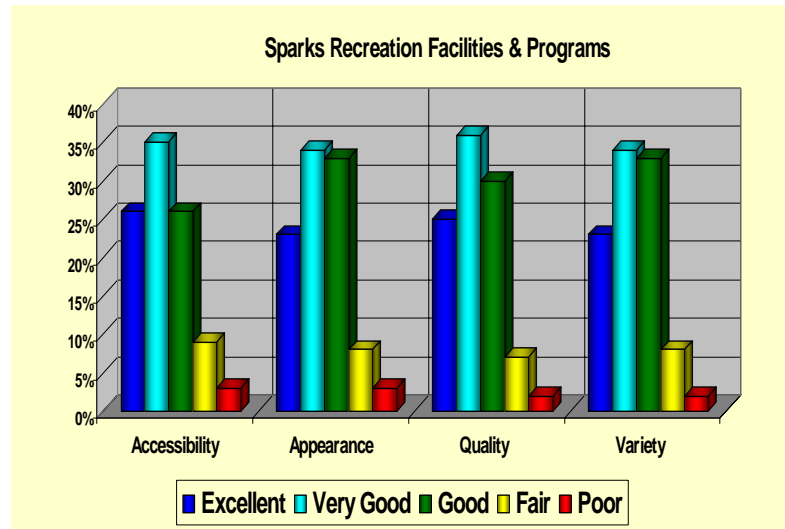
77% = “Moderate to Major” Problem





Quality of Life Issues & Community Appearance





What do You Value Most About Living in the City of Sparks?

Family
Friendly
Small Town Feeling
Quiet
Quality of Life
Nice People
Sense of Community

Assistant City Manager Mellinger congratulated Ms. Patterson on the survey, stating that every year it is getting more on target and tying the survey to the Council's strategic plans make the survey more of a tool and a reference for developing their strategic plans in the future.

Council Member Schmitt asked if the City had considered getting a professional interpretation of the survey because there seems to be a contradiction in that everything seems to be family oriented but 80% of the residents have no children and 6% of the people don't feel safe and 66% say crime is an issue in the community. He said this could be because of the age bracket of those polled.

Council Member Carrigan said he was surprised at the percentage of those polled who have no children; however, we are one of the top places to retire. He said this would explain why the school district underestimated their growth last year. Ms. Patterson noted that School Superintendent Paul Duggan was in the Manager's Office last week and looked over the poll results and he was very interested in the school statistics.

Council Member Mayer echoed the sentiment regarding the usefulness of the survey and noted that one of the reasons he felt that the age of those interviewed was so high was because the younger people are doing away with land based phones and using strictly cell phones.

4.4
Presentation by the
Truckee Meadows
Growth Task Force

Time: 3:47:38 p.m.

City Planner Margaret Powell noted the Task Force has prepared a preliminary report, but they are still working on consolidating the committee comments before it is presented to the Council. Therefore this item needs to be withdrawn from the agenda. She noted it will be presented to the Council at a later date.

5. Consent Items:

Time: 3:48:20 p.m.

Items 5.3 and 5.9 were pulled for discussion and separate vote.

A motion was made by Council Member Moss, seconded by Council Member Carrigan, to approve Consent Items 5.1, 5.2 and 5.4 through

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5.8. 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 April 20, 2006 through May 3, 2006.

5.2

Acceptance of a Grant for DUI Saturation Patrol

An agenda item from Police Chief John Dotson recommending the City Council accept a grant from the Northern Nevada DUI Task Force in the amount of \$1,280.00 to pay the overtime costs associated with DUI Saturation patrol during the evenings that Reed High School and Sparks High School are scheduled to graduate. The grant will pay overtime costs to assign four officers to work eight hour shifts on Friday June 9th and Saturday June 10th.

5.3

Agreement with RTC for Reimbursement for Curb, Gutter & Sidewalk Reconstruction

Time: 3:49:22 p.m.

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve an interlocal cooperative agreement with the Regional Transportation Commission of Washoe County (RTC) for reimbursement to the RTC in the amount not to exceed \$100,000 for curb, gutter and sidewalk reconstruction on First Street from East Prater Way to East Greenbrae Drive. The RTC is undertaking this roadway project which includes the rehabilitation/reconstruction of First Street and the City has requested the reconstruction of the curb, gutter and sidewalk within the limits of the RTC project. The improvements will include upgrading the curb and gutter drainage issues and removing potential sidewalk tripping hazards.

Council Member Mayer asked if staff was going to identify the sidewalks that are in need of repair, at the City's cost. City Engineer Pete Etchart explained that this is an interlocal agreement with RTC, and they are bidding the project out. He said we are having them do work in this location because they are already working in the area. He explained that the City has our own project on a different section of 1st Street to replace sidewalks under a City contract.

Mr. Etchart noted that because the Council recently approved the franchise fee agreement, we have interns doing an appraisal of all the sidewalks in Sparks, which is a long-term project. He said they are in the process of hiring a new Pavement Management Coordinator who will also be in charge of the sidewalks and we will ultimately have a five-year plan showing where we are going with roads and sidewalks.

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A motion was made by Council Member Mayer, seconded by Council Member Salerno, to approve Consent Item 5.3. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

5.4
Final Subdivision Map
for Sky Ridge Unit 2

An agenda item from Community Development Director Neil Krutz recommending the City Council approve a final subdivision map for Sky Ridge, Unit 2. This map will create 80 lots on 15.73 acres in the Sky Ridge Planned Development and will be generally located north and east of Vista Boulevard and south of Disc Drive. The current zoning for this subdivision is PD and the developer will be TMB Builders, LLC. The map and civil improvement drawings have been reviewed and have been found to be acceptable. A performance bond has been filed with the City Clerk to guarantee the construction of the public improvements.

5.5
Final Subdivision Map
for Miramonte Phase
2B

An agenda item from Community Development Director Neil Krutz recommending the City Council approve a final subdivision map for Miramonte, Phase 2B. This map will create 132 lots on 24.72 acres and is the fourth map within the Miramonte New Urban District. It will generally located north and east of Los Altos Parkway, west of Belmar Drive and east of Vista Heights Drive. The developer will be Centex Homes. The map and civil improvement drawings have been reviewed and have been found to be acceptable. A performance bond has been filed with the City Clerk to guarantee the construction of the public improvements.

5.6
Contract for Staging
and Sound
Requirements for Hot
August Nights

An agenda item from Parks and Recreation Director Stan Sherer recommending the City Council approve a contract with Bright Productions to provide the staging and sound requirements for the Hot August Nights even on Victorian Square, in the amount of \$26,195. There are only two local agencies which provide these services and Bright Productions was the lowest quote. Purchasing Manager Dan Marran has reviewed and approved this request.

5.7
Professional
Engineering Services
for the Design,
Preparation of
Documents and
Oversight for the
Installation of Grit
Separator Equipment
at TMWRF

An agenda item from Public Works Director Wayne Seidel recommending the Council approve a Professional Engineering Services agreement with Shaw Engineering of Reno to provide the design, preparation of documents and oversight of the installation of the Grit Separator Equipment at the Truckee Meadows Water Reclamation Facility in the amount of \$44,500, as outlined in their proposal. Due to the complex nature of this installation, including removal of less than effective existing equipment, necessary piping changes, equipment platforms, electrical and structural concerns, it was decided to have the engineering, bid document preparation, oversight of installation contractor and completion of record drawings done by a consulting engineering firm. Shaw Engineering came highly recommended by plant personnel and outside contractors.

5.8

Award of
Vulnerability
Assessment for
TMWRF

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve a proposal of work from CH2MHill to conduct a Vulnerability Assessment (VA) for the Truckee Meadows Water Reclamation Facility in the amount of \$50,625. The cost of this project is fully funded through a State Homeland Security Program (ODP 2005) Grant that is administered through the Washoe County Local Emergency Planning Committee which was accepted by the City Council on June 13, 2005. The project must be completed before September 30, 2006. There are no matching requirements for this grant.

5.9

Approval of Special
Counsel to Represent
Sparks Civil Service
Commission

Time: 3:57:18 p.m.

An agenda item from City Attorney Chet Adams recommending the City Council approve the employment of Special Counsel to represent the Sparks Civil Service Commission. NRS 41.0344 permits the City Attorney to employ special counsel to represent a current city employee if a conflict exists between the legal interests of the City and the employee. The compensation of special counsel must be approved by the City Council and thereafter paid by the City. The City of Sparks Civil Service Commission is an "employee" as that term is used in NRS41.0307 and 41.0338. Pursuant to Sparks City Charter, Article IX, the Commission intends to conduct a hearing on an employment matter involving the reassignment of employees by the City Manager. The City Attorney's office has advised the Commission that it is without jurisdiction to hear the matter. A conflict of interest currently exists because, irrespective of the City Attorney's legal advice, the Civil Service Commission intends to appoint a hearing officer and go forward with the hearing. In order to provide legal representation to the Civil Service Commission in a timely and expedient manner, it is recommended that the City Council approve the retainer and hourly compensation of Mr. Ryan Campbell, Esq. to act as Special Counsel to the Commission. It is anticipated at this time that Mr. Campbell will be required to spend less than 100 hours (\$20,000) as Special Council.

Council Member Schmitt asked for a recap from staff on this item. City Attorney Adams advised that this was a request to provide the Civil Service Commission with independent legal counsel in the event that litigation ensues as a result of an anticipated hearing that the Commission intends to pursue considering the assignment of an employee by the City Manager. He said a conflict exists because he has advised the Commission that they do not have jurisdiction to conduct an investigatory hearing on this particular matter; however the Commission plans to hold a hearing anyway. He said that in the event that civil litigation ensues as a result of this hearing, he is asking the Council to secure the services of independent council to represent the Commission.

Council Member Schmitt said his concern is that it appears that the City is encumbering \$20,000 to represent a committee that has failed to take the City Attorney's advice and that we might be setting some type of precedence.

Council Member Carrigan asked if this was just for the one incident or a permanent change and whether they would have representation from his office at their meetings. Mr. Adam said they will not have representation from his office at their meetings, but they will have legal representation in the event they are sued for another matter. He said that under Nevada law, our boards and commissions that are compensated by the City are deemed to be employees of the City and entitled to legal representation from the City Attorney's Office, so in that respect they will receive legal representation in any other legal proceedings, but not the proceedings resulting from this hearing.

Council Member Carrigan asked if it was required that the City Attorney or his representative be present at all boards or commission meetings. Mr. Adams said that the Charter requires that the City Attorney be present at City Council meetings only and they have been providing a legal presence as a courtesy.

Council Member Mayer said he really did not understand what this was about. Mr. Adams explained that the City Manager reassigned an employee from the City Attorney's Office to the Public Works Department, which under the law and under the Charter, he is entitled to do. The conflict arose when one of the other employees in Public Works realized that the newly assigned employee from the Attorney's office was receiving a higher salary and that precipitated her complaint to the Civil Service Commission. He said he pointed out to the Commission that in order to file a complaint, the complaining party has to have been aggrieved (some type of discipline or loss of job benefits) and that this particular employee, because she has suffered none, did not have standing to bring the complaint in the first place. Irrespective of that advice, the Commission has decided to hear the complaint and then they decided to conduct an investigatory hearing on this matter, which, once again, they were advised they did not have the jurisdiction to do. He further clarified that as he understood the complaint, the complaining party (the employee who is not making as much money) is asking the Civil Service Commission to reduce the newly assigned employee's pay and to him (the City Attorney) if the pay is reduced, that would be the lawsuit.

Council Member Schmitt asked why they had to approve this, since it was only \$20,000 and the City Manager had authority to approve anything under \$25,000. Mr. Adams said he asked the City Manager, but Mr. Carey felt that it was appropriate to bring it to the Council.

Council Member Mayer asked if that was because the City Manager is also involved. Mr. Adams said that the City Manager is a named party in this, as well as the Human Resources Department and with allegations of conflict of interest flying about, he would rather do this in a public forum.

Council Member Carrigan asked what would happen if they voted no. Mr. Adams stated if the Council did not approve this request, it did not eviscerate the conflict and he believed that under Chapter 41, the Civil Service Commission could make a pretty good argument that because they are entitled to representation they would be forced to go out and hire separate counsel for each commissioner. Council Member Carrigan said he felt that they really had no choice.

A motion was made by Council Member Mayer, seconded by Council Member Carrigan, to approve the employment of Special Counsel to represent the Sparks Civil Service Commission. Council Members Mayer, Moss, Carrigan, YES. Council Members Salerno, Schmitt, ABSTAIN. Motion carried.

6. General Business:

6.1

Approval for Donation
of Public Funds

Time: 4:12:50 p.m.

An agenda item from Grants Administrator Tracy Wheeler requesting the Council approve the donation of public funds by adopting the following resolutions:

- A. Resolution No. 3021, a resolution to transfer budget appropriations from the General Fund Contingency account to the General Fund Community support account for donation of public funds to the Sparks Heritage Museum [in the sum of \$4,895.07]; and
- B. Resolution No. 3022, a resolution to transfer budget appropriations from the General Fund Contingency account to the General Fund Community support account for donation of public funds to the Committee to Aid Abused Women (CAAW) [in the sum of \$5,000.00].

Ms. Wheeler noted that the application from the Sparks Heritage Museum was for a traveling education exhibit and the request from CAAW was for their holiday adopt-a-family program. Mayor Martini asked if these applications went through our process. Ms. Wheeler confirmed that they did and these applications met all our criteria.

A motion was made by Council Member Moss, seconded by Council Member Carrigan, to approve Resolution No. 3021 and Resolution No. 3022. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

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6.2

Bid Award for West
End Community
Center Project

Time: 4:16:33 p.m.

An agenda item from Public Works Director Wayne Seidel requesting the City Council award to West Coast Contractors the base bid (No. 05/06-039) in the amount of \$3,489,056 and accept Alternates A, B and C in the amount of \$54,771, for a total contract amount of \$3,543,827.

Mayor Martini said this item needed to be continued. Council Member Mayer asked if this delay would affect the groundbreaking ceremony we are having with some dignitaries from Washington, D.C. on June 16th. Mr. Seidel said this would only be delayed until the meeting on June 12th.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to continue this bid award to the meeting of June 12th. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.3

Impact Fee Agreement
#5 and #15 with
Galleria Station, LLC
for Flood
Improvements and
Parks Improvements

Time: 4:17:33 p.m.

An agenda item from Engineering Manager for Community Development John Martini requesting the City Council approve Impact Fee Agreement No. 5 with Galleria Station, LLC and Impact Fee Credit Agreement No. 15 with Galleria Station, LLC in the amount of \$21,500 for Flood Improvements and \$46,400 for Parks Credits). These agreements are entered into for our Impact Fee Service Area No. 1 program. Agreement #5 is a master agreement setting up the detail of Galleria Station's participation in the service area. Credit Agreement No. 15 provides for impact fee credits for the construction of flood improvements and parks/regional trail within the Galleria Station project. The agreements have been reviewed by the Community Development Department and the City Attorney's Office and have been found to be acceptable.

Mr. Martini stated these are two of our standard forms for including our developers in the Service Area Impact Fee program. He said the first agreement basically sets up the obligations of the Developer in Service District 1 and the credit agreement sets forth the particulars of what they will build and how much credit they will receive.

A motion was made by Council Member Salerno, seconded by Council Member Carrigan, to approve Impact Fee Agreement No. 5 and Impact Fee Credit Agreement No. 15 as submitted by staff. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.4

Endorsement of the
RTC Capacity Project
Priority Setting
Process

Time: 4:18:54 p.m.

An agenda item from Public Works Director Wayne Seidel requesting the City Council hear a presentation by Derek Morse, Deputy Executive Director for the Regional Transportation Commission of Washoe County and endorse the Regional Transportation Commission Capacity Project Priority Setting Process for prioritization of roadway capacity projects throughout the Truckee Meadows.

Mr. Morse thanked the members of the RTC Technical Advisory Committee sub committee: Pete Etchart, City of Sparks; Clara Lawson, Washoe County; Gary Stockhoff and Steve Binell, City of Reno; Dave Zigler, Regional Planning Commission; and Coit Keycock, NDOT and noted this was the culmination of 10 months of work to update the capacity setting priority process. He noted that this process was unanimously approved by the RTC Technical Advisory Committee and unanimously adopted by the RTC board.

Mr. Morse then gave a PowerPoint presentation outlined as follows:

Regional Transportation Commission - Capacity Project Priority Setting Process

Background

- RTP contains hundreds of capacity projects
- Limited funds
- Limited industrial capacity

Which projects should be done first?

The goal . . .

Spend available funding on building those projects having the greatest benefit for the community at the time they are needed, that is, building the right project at the right time.

Policy Guidance

- RTP Street and Highway Objectives
- RTP Street and Highway Policies
- Board Direction of July 2005

Street and Highway Congestion Objectives

- Average per capita daily delay increase will not increase above 2000 levels more than 20% in 2007, 30% by 2012; 40% by 2020 and 50% by 2030.
- All signalized intersections will be within policy level of service by the year 2012 and maintained at that policy level of service thereafter.

Street and Highway Policies

- Existing and future traffic needs for the Regional Road System (RRS) will be determined through technical analyses and prioritized based upon the most cost effective solutions to congestion.
- Assure adequate right-of-way for the construction of future streets

and widening of existing streets through timely advance planning and preliminary design, property acquisition, dedication of easements and development setbacks.

- The level of service standards as shown in Table 2-2 will be used for assessing the need for and location of future street and highway improvements for Washoe County at a planning level. As appropriate, design of facilities will be based upon more detailed operational analysis.
- Prioritize street and highway funding for capacity improvements to promote in-fill development and higher intensity development along transit-oriented development corridors and within downtown, regional and emerging employment centers.

Board Direction of July 2005

- RTP to time stratify projects
- Benefit cost analysis
- Best fit funding
- Other factors
- Recommend priorities to Board

Key Concepts

- Time Stratification of Projects
- Benefit-Cost Analysis
- Other Considerations in Establishing Priority

Practical Considerations

- Limits of the RTP Process
- Funding Allocation
- Limitations of the Data
- Significance of BCA Benefit Elements
- The Meaning of BCA Results
- Amendment and Consistency of the Capacity Priority Setting Process

Roadway Segments

- Step 1. Time Stratification of Projects
- Step 2. Benefit Cost Analysis (BCA)
- Step 3. Consider "Other" Factors
- Step 4. "Best Fit" Funding Categories
- Step 5. Review of Priorities by the TAC
- Step 6. Recommendation to the Board
- Step 7. Subsequent Programming

Spot Intersection

Signal Improvements

- Step 1. Time Stratification of Projects
- Step 2. Benefit Cost Analysis (BCA)
- Step 3. Consider "Other" Factors
- Step 4. "Best Fit" Funding Categories
- Step 5. Review of Priorities by the TAC
- Step 6. Recommendation to the Board

Step 7. Subsequent Programming

Council Member Carrigan asked Mr. Morse when Vista Boulevard would be widened from Los Altos out to Wingfield. Mr. Morse responded that one of the principles they agreed to early on was that they would agree on the process without seeing the list that it would produce. He said once the process is endorsed by all the entities, they will go back and run all the numbers on the projects and they hope to have the lists by June or July. However, he felt confident that Vista Boulevard will probably fall into the top third of the projects on the list, once it is completed.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to endorse the Regional Transportation Commission Capacity Project Priority Setting Process. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.5

PCN05074, Marina Village, LLC, Final Approval of the Development Design Standards for the Marina Village Planned Development

Time: 4:39:50 p.m.

An agenda item from Associate Planner Jim Rundle requesting the City Council approve PCN05074, and grant final approval of the development design standards for the Marina Village Planned Development by making a finding of substantial conformance with the September 7, 2005 City Council tentative approval.

Mr. Rundle displayed a site plan of the Marina Village project, noting that there were three buildings involved: Marina Villas located on the northeastern side of Marina Park, containing 127 residential units and 10 commercial units; the existing waterfront building, 10 residential and 14 commercial units; and located next to the canal is Marina Square containing 30 residential units. He displayed renderings of the Marina Square and the Marina Village projects, stating staff is recommending approval of the final handbook.

Council Member Mayer asked if the condos were built around a parking garage. Mr. Rundle showed a cross-section of the condominium complex and said that essentially the parking will not be visible from the street view and that the only thing that will be visible is the entrance/exit to the parking area. He said that the residents will be able to circle up the parking garage and park directly in front of their units.

Council Member Mayer also asked if the pathway around the Marina Lake went right by the swimming pool on the Villa's building. Mr. Rundle said that it does; however the pool will be raised above the path, so those using the path would not be able to see into the pool area.

The Developer, Mr. David Dahl noted that the pathway is about five feet lower than the pool area and that they hope to put a “vanishing edge” pool with a waterfall that will run down a retaining wall into a recirculation system. He noted that there will also be landscaping at the bottom of the waterfall.

Council Member Mayer also asked where the path is located in relationship to the Marina Villas building. Mr. Dahl said that after the bridge, the path goes toward the lake, cantilevers over the top of the lake, and is lower than the patios on the ground floor of the building. He said they have taken care to not have places where people can hide, etc.

Council Member Mayer asked if these units will be affordable, compared to the price of single-family houses in this area. Mr. Dahl said that they will have some units that will be in the \$299,000 range and he would like to pursue some financing for first-time homebuyers to make these units within their purchasing reach.

Council Member Carrigan asked about the color scheme for the new buildings. Mr. Rundle displayed renderings of the proposed buildings and noted that the applicant will be proposing a modification of the color scheme on the existing building in the near future.

Council Member Mayer asked about the clock tower shown in the renderings. Mr. Dahl confirmed that it was a clock tower and it will be a two-face working clock which will replace the vertical element of the [now defunct] lighthouse that was previously proposed. There was some discussion regarding whether or not the clock will chime. Mr. Dahl also noted that he is letting the Ferris wheel go because it can't pass OSHA requirements.

A motion was made by Council Member Moss, seconded by Council Member Mayer, to grant final approval of PCN05074, as the application is in substantial compliance with the City Council's action on the tentative approval for the Design Standards and Regulations handbook for Marina Village and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.6
Professional
Consulting Services
Contract for the
Sparks Marina
Amphitheater

Time: 4:53:24 p.m.

An agenda item from Public Works Director Wayne Seidel requesting the City Council approve a professional consulting services contract with Odyssey Engineering, Inc., in the amount of \$75,000 to provide engineering, surveying and architectural schematic work for the Sparks Marina Amphitheater.

City Engineer Pete Etchart noted this agreement was for a design team for the amphitheater to be located at the Sparks Marina. He said the design team is pretty complex and includes civil engineering, surveying, architecture, electrical engineering, structural engineering and sound and production consultants. He said the funds for this year are for the design and next year we will use the funds to actually begin construction.

Council Member Mayer asked if Odyssey Engineering would just design the project or will they be part of the construction process. Mr. Etchart said that in addition to the design, they will definitely be on-hand for the construction portion of the project. Council Member Mayer asked if the costs included follow-through to construction. Mr. Etchart responded that this includes inspection during construction.

Council Member Moss noted that during the original design for the Sparks Marina the location of the amphitheater was unknown and she wanted to know where it was going to be placed. Mr. Etchart said he has seen quite a few variations of where it would be placed, but this amphitheater is being proposed to be built where the hill is on the west side of the Marina by the existing parking lot. He said the proposal is to extend the concrete amphitheater out into the water area and there will be a concrete foundation going into the water. It is located on the north side of the peninsula, on the west side of the path, south of the swimming area.

A motion was made by Council Member Moss, seconded by Council Member Schmitt, to approve a professional consulting services contract with Odyssey Engineering, Inc., in the amount of \$75,000. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.7

Election of Mayor Pro Tempore

Time: 4:57:08 p.m.

An agenda item from City Manager Shaun Carey requesting the City Council select one of its members as Mayor Pro tempore as provided by the Sparks City Charter. Council Member Ron Schmitt resigned as Mayor Pro tem on Friday, May 12, 2006.

Council Member Salerno asked if there was a recommendation from the Mayor. Mayor Martini said he would like to recommend John Mayer as the new Mayor Pro tempore.

A motion was made by Council Member Moss, seconded by Council Member Salerno, to appoint Council Member John Mayer to serve as Mayor Pro tempore for the City of Sparks, until the next general election. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.8

Approval of the Five-Year CIP

Time: 4:58:51 p.m.

An agenda item from Public Works Director Wayne Seidel requesting the City Council approve the City's Five-Year Capital Improvement Plan (CIP) for Fiscal Years beginning July 1, 2006, as prepared by staff.

Mr. Seidel noted that a workshop was held on April 12th, at which time staff went over some of the projects. He then highlighted the corrections and revisions made at the workshop; noting that the total for all the projects in the five-year CIP is \$87.5 million.

He said there is \$1.8 million in the "Road Ahead" program and Pete Etchart and the pavement management team is working on a presentation of the roads and programs that will be presented to the Council.

He reported that the Kate Smith School flashing school zone signals were improved and installed and there will be no additional flashers installed at this time, so this item has been deleted from the CIP and the funds have been reprogrammed into other projects.

He said the Victorian Avenue Streetscape, Phases I and II are currently under design and we anticipate going out to bid this fall or after the first of the year at the latest. Mr. Etchart clarified that Phases I and II of this stewardship project are NDOT enhancement projects that are being designed together and they will be bid together, both phases under one project.

Mr. Seidel noted that under the Non-FIP Capital 210 Fund, we are requesting \$400,000 of additional general fund transfer for projects. Projects that have been added are the SMART/GEM upgrades in the amount of \$291,000; \$60,000 for the first phase of carpet at the Police Department; \$80,000 for ADA access improvements at Fire Station #1; \$75,000 for the antique fire engine display enclosure; and \$30,000 for intercom system upgrades at Station #1.

Under the FIP Capital 210 Project Fund, Mr. Seidel requested that project 738, Victorian Square Phase IIA, Property Acquisition in the amount of \$5.135 million be removed because these are actually room tax funds and they are under the General Fund #001 on page 11 of the CIP and will not be expended in this fund.

He noted that under the Ad Valorem Tax Fund, 215, there were four projects that were highlighted. We are showing the money for the Third Floor Dorm Renovation expended next year. He said we have bid that project and staff is working with the contractor and the Building Department to meet codes and make sure we have enough

money to get the job completed. The other projects include intercom system for \$26,000; some HVAC upgrades in the basement of the Police Department; and some office remodeling for the Council in the amount of \$55,000. There was some discussion regarding the Council remodel. It was noted that staff is working on a plan to move the Council office somewhere else in City Hall and the plan would be brought back to the Council for consideration. Mr. Seidel noted that the money was mostly for HVAC improvements which would be required because of the new partitions anticipated for new Council offices. He said the other project is the Lobby Locker Room Remodel at Alf Sorenson in the amount of \$685,000.

Mr. Seidel noted the changes in the Parks and Recreation Projects Fund 205 made at the workshop are shaded. He said they did move the amphitheater investment out another year and as that plan is developed and staff gets the final cost estimates, it will have to be worked into the CIP for funding.

Council Member Schmitt commented that he thought we owned the tree farm located next to the de-nitrification plant, but apparently we don't; it belongs to someone who is leasing it to the oil companies who are trying to clean up the area. He asked if it was true that it was scheduled to go away in two years to be turned into an industrial facility. Mr. Seidel said that he did not know the time frame; but PCN is leading the clean-up of the tank farm. He asked staff to look at this project and see what we can do about acquiring that project before it is turned into an industrial area. Mr. Seidel stated that the other tree farm at McCarran and Baring and Shelly Park are both on NDOT right-of-way. He said that these properties are on our list for acquisition and staff has had discussions with NDOT on trading some right-of-way for these areas.

Council Member Mayer said he did not see the Deer Park Pool lining project in the CIP. He said there were funds for shade structure and other improvements, but not for the pool. Mr. Etchart stated there have been some delays in the pool lining project, but staff anticipates awarding the bid sometime in June and the project should be completed sometime this year, with the pool not being opened until next year. He noted that the project was put out for bid, but no bids were received, so we have clarified the bid and extended the bidding period. He said that normally if no bids were received we would negotiate with a contractor, but because this project involves federal funds, we extended the bidding period.

Mr. Seidel said that under the General Fund Capital Projects we are showing \$100,000 for investing in energy conservation, which includes Fire Station #1 and some digital control upgrades at Alf

Sorenson. He said this fund also shows the room tax resources of \$850,000, as well as \$5.7 million in bond proceeds.

He highlighted some of the Block Grant projects: enhancements at Dillworth Middle School in the amount of \$75,000.

Mr. Seidel noted the NSSOI 030 fund contained funds for the Regional Parks as well as flood control and Spanish Springs Sphere of Influence.

He said that we are anticipating a contract of \$180,000 for the Street Cut program.

Mr. Seidel noted that under the Vehicle Fund we will be doing some energy conservation projects, such as recycling waste oil by reclaiming it in the summer and burning it in the Winter. He said we are also looking at adding a bay on the Garage. We are working with consultants this year and hopefully we can get it built next year. Mr. Seidel pointed out that the total investment plan for vehicles for next year is \$1.534 million for FY 06/07.

A motion was made by Council Member Schmitt, seconded by Council Member Mayer, to approve the City's Five-Year Capital Improvement Plan (CIP) for Fiscal Years beginning July 1, 2006. Council Members Mayer, Moss, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.9

Adoption of the Final Budget for the City of Sparks

Time: 4:27:10 p.m.

An agenda item from Acting Finance Director Joyce Farley requesting the City Council adopt the Final Budget for the City of Sparks for Fiscal Year 2006/2007. In accordance with NRS 354.596, the Council must adopt a Final Budget for the City of Sparks on or before June 1, 2006. The budget must be filed with the Department of Taxation in accordance with specific instructions for categorizing revenues and expenditures and must be presented using prescribed filing forms and formats. State statutes require that the City file a separate budget document for the Redevelopment Agency.

Council Member Mayer said that because of the meetings and workshops at which the budget had been discussed and because of the Public Hearing on the Final Budget held last week, he did not feel a presentation by staff was necessary and he made a motion to approve the budget.

Council Member Carrigan asked if anything had changed from what had previously been presented to the Council. Ms. Farley said nothing had changed, with the exception of the few pages being added which

contain the proprietary funds that staff was still working on. She emphasized that the budget document is complete and includes all the recommendations approved by the Council on the 15th.

A motion was made by Council Member Mayer, seconded by Council Member Schmitt, to approve the City's Final Budget for Fiscal Year 2006/2007. Council Members Mayer, Moss, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

6.10

1st Reading of Bill No. 2508, An ordinance Providing for Compensation of the Planning Commissioners

Time: 5:46:16 p.m.

City Clerk Debi Dolan read Bill No. 2508 by title, an ordinance providing that the members of the Sparks Planning Commission be paid for their service as Planning Commissioners; and providing other matters properly related thereto.

Mayor Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of June 12, 2006.

7. Public Hearings and Action Items Unrelated to Planning and Zoning: NONE

8. Planning and Zoning Public Hearings and Action Items:

8.1

PCN06028, Tentative Approval of a Planned Development Handbook (The Legends at Sparks Marina)

Time: 5:29:48 p.m.

An agenda item from Associate Planner Tim Thompson recommending the City Council conduct a public hearing and approve PCN06028, a request from RED Development, LLC for tentative approval of a Planned Development Handbook (The Legends at Sparks Marina) to allow a commercial development of approximately 989,000 square feet, possibly including a private recreation facility (baseball stadium) on approximately 92 acres in the TC (Tourist Commercial) zoning district generally located northwest of Sparks Boulevard/Interstate 80 interchange and east of the Sparks Marina Park.

Mr. Thompson said this handbook was for the 92 acres known as the Blume parcel. He said several months ago a Special Use Permit was processed for this site and essentially what staff has done is take the conditions of approval from that permit and incorporated them into the handbook. He said the handbook also contains design standards out of the Marina Area Plan and the City's Design Standards Manual. He said this project would allow a 989,000 square foot destination retail development and possibly include a private recreation facility (baseball stadium). He said it says possibly includes, because on page 5 of the Planning Commission staff report, the proposed development as submitted does include a baseball stadium; however inclusion of

the baseball stadium in the plan is contingent upon several factors, including, but not limited to, stadium ownership, financing, franchise agreements, etc. Therefore if the baseball stadium is not deemed feasible by the developer (and in the development agreement approved a couple of months ago, the developer, at their sole discretion, does have the ability to remove the stadium from the project), an additional amount, up to 150,000 additional square feet of destination retail/restaurant space, may be provided in lieu of the stadium.

He said the developer has submitted the required and requested information pertaining to the “no baseball” option and that information includes traffic, fiscal analysis, etc. Staff has concluded that in either case the developer has sufficiently mitigated any impacts from either stadium or additional square feet of retail/restaurant/entertainment uses. He emphasized that no additional view is being required, should the baseball stadium be removed from the project.

Mr. Thompson said the fiscal analysis shows the project would bring a significant amount of revenue to the City and Redevelopment Agency. He said staff is recommending approval of the handbook and he read the findings into the record as follows:

This handbook is consistent with PD findings 1 through 4 because it is a commercial development located at the intersection of two arterials, which is the most effective land use to this site. The handbook is consistent with PD5 because combining the parcels will allow flexibility in the development of the commercial center. The handbook does not depart from the zoning regulations, making it consistent with PD findings 6, 7, and 8. The Legends at Sparks Marina is 100% non-residential, making PD finding 9. The design of the Legends at Sparks Marina will incorporate common open space and will not affect neighbor open space, making PD findings 1, 11, and 12. The necessary improvements will be made to the surrounding streets to serve the Legends at Sparks Marina, making PD findings 13, and 14. The Master Plan indicates open space and will not affect the open space in the vicinity of the development, making PD finding 15. The Legends at Sparks Marina is located along the I-80 corridor and has been master planned to be mixed use, including commercial/office type land uses and this request does not change the land use, making PD findings 16 and 17. The standards in this handbook are consistent with the Master Plan and are designed to blend with the surrounding areas, making PD findings 18 and 19. Public Notice has been given, per the code, making PD finding 20.

Mr. Thompson offered to answer any questions the Council may have and noted that Mr. Jeff McMahan with RED Development was present and had a presentation for the Council.

Council Member Mayer said there had been discussion regarding 10%, 20%, etc. in changes to the plan not requiring a public hearing and he asked for clarification. Mr. Thompson said that at the Planning Commission there was some discussion related to minor deviations. He said that in past handbooks staff has used 20% as our standard; however, state law only allows for a 10% variance. He said staff typically uses this as a “rule of thumb” to determine what would be considered a substantial or significant change to a development which would require amendments or further review by the Planning Commission and/or City Council. He said what staff would like to do is continue down this path because there is enough flexibility built into the handbook. He said that the site plan as you see it today could change and mold into different buildings and different locations other than what is on the site plan and he felt that staff does a pretty good job of determining what is significant and what is not. He said what they look at is anything that could impact traffic; impact adjacent uses; residential uses.

Council Member Mayer asked if this meant that if the baseball is a “no go” it would not have to come back for a public hearing. Mr. Thompson said that normally this would be considered a significant change; however, in this application, the developer has provided all the alternate information required that allowed staff to look at the impacts of either option. Staff felt that they mitigated any impacts under either scenario, and therefore it is in the handbook that they would not be required come back if the baseball element is removed from the project.

Council Member Mayer said it was his understanding that staff was having discussions with RTC regarding the re-alignment of Lincoln Way. He asked if the proposed round-a-bouts were also under discussion. Mr. Thompson confirmed that there have been some discussions about the possible alignment of E. Lincoln Way changing, but he did not believe that the round-a-bouts would change. He said that the round-a-bouts have been determined to be the best resolution to those intersections. Council Member Mayer said he felt that RTC should look at signalization of those intersections rather than using round-a-bouts because he did not feel that they were large enough for a baseball stadium handling 7,000+ people during baseball games.

Community Development Director Neil Krutz explained that the changes that are being considered with respect to the alignment of E. Lincoln way would not move the intersections far enough apart from each other to create a signalization that would be a good alternate for traffic control. He emphasized that as the developer comes forward with more specific plans for that roadway, staff will work with RTC to make sure that there is proper access in and out of the development. Mr. Krutz clarified that the round-a-bouts will be big enough that large vehicles will have no difficulty navigating them. It was also noted that there would be no pedestrian crossings located on or near the round-a-bout.

Council Member Moss asked for clarification that the back up plan from the developer (if the baseball stadium doesn't come into being) would be retail. Mr. Thompson said that yes, it would be uses that are already approved in the handbook.

Mr. Jeff McMahon, a partner with RED Development, gave a power point presentation on what they planned for the development, the status of the design and the development of this project. He thanked staff, the Planning Commission and the Council for their support of the project.

Council Member Mayer said this was a beautiful project, but there were certain things he felt were disturbing, one of which was the round-a-bouts. He said that in addition to the trailer sales project which was the next item, he had heard that there was going to be another trailer sales retailer in this project. Mr. Thompson said that there have been some discussions about adding an additional 11 acres to the overall project, but the applicant is still working with the property owner on this. He assured the council that this would require further entitlement down the road.

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.

Council Member Mayer said he was going to vote for this project, although he had some reservations about not knowing very many of the specifics of what was going to be in the project and about the traffic patterns and the proposed round-a-bouts.

Council Member Schmitt said in light of Mr. Mayer's concerns, he wondered if it was possible to get a report from the Police and Fire Departments on whether they are in support of or against round-a-bouts, so the Council would have that information for consideration of future projects.

A motion was made by Council Member Moss, seconded by Council Member Schmitt, to grant tentative approval of the Planned Development Handbook associated with PCN06028 (The Legends at Sparks Marina), adopting findings PD1 through PD20 and the facts supporting these 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 Planning Commission does not recommend that the City Council require a bond at this time as stated in NRS 278A.490. Council Members Mayer, Moss, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

8.2

PCN06006, Adoption
Bill No. 2507 Rezoning
Two Parcels and
Tentative Approval of
The Legends at Sparks
Marina Handbook

Time: 6:16:17 p.m.

An agenda item from Associate Planner Tim Thompson recommending the City Council conduct a public hearing and approve PCN06006, a request from RED Development, LLC for a Rezoning and tentative approval of a Planned Development Handbook (The Legends at Sparks Marina – Northwest Parcel) to allow a Luxury Motor Coach Dealership on 9.83 acres generally located south of East Lincoln Way, southwest of Marina Gateway Drive and northeast of the Sparks Marina Park, as follows:

Bill No. 2507, a general ordinance rezoning real property owned by Marina Properties, LLC and City of Sparks, from TC (Tourist Commercial) to NUD (New Urban District) on approximately 9.83 acres generally located south of East Lincoln Way, southwest of Marina Gateway Drive and northeast of the Sparks Marina Park, Sparks, NV; and providing other matters properly relating thereto; and,

Tentative approval of a Planned Development Handbook (The Legends at Sparks Marina – Northwest Parcel) to allow a Luxury Motor Coach Dealership.

Mr. Thompson explained that this was a companion to the item above, for 9.83 acres just south of the RED Development project just approved. This request is to rezone the property and for tentative approval of a handbook to allow for a luxury motor coach dealership. He noted that the standards in this handbook are similar to those in the previous handbook and were taken from the Design Standards Manual, the Marina Area Plan and various other city plans and codes.

He said the most significant issue with this application at the Planning Commission and with staff is a concern that there only be one RV dealership within the entire Legends at Sparks Marina development. He said the new language in both handbooks basically states that there will only be one RV dealership located anywhere within the development. This was discussed at the Planning Commission meeting; that the applicant do a development agreement stating that there would only be one dealership; however, with the language added to the handbook, staff feels this is sufficient to address any concern. He said that he did not believe it was the applicant's intent to have more than one RV dealership, but they would like the flexibility to move the use around within the overall development to a location that may be more appropriate as they get further along in the process and tenants are identified. He noted that should the applicant wish to move this use to a location covered by the previous handbook, there is a provision in this handbook that requires that through the Special Use Permit process, any use allowed in the TC zoning district could be considered. He said that in this case even a retail use that may be allowed by right would be subject to a use permit so that the Planning Commission and Council could see that proposal.

Mr. Thompson said there was some comment from some of the adjacent residential properties and as mitigation staff has outlined an adequate buffer on the western property line: a six to eight foot masonry wall and 20 feet landscape buffer and the applicant has agreed to plant eight to ten foot evergreens in that area as well. This buffering is stipulated in the handbook and staff believes the buffering is adequate.

Mr. Thompson read the findings into the record as follows:

This handbook is consistent with PD findings 1-4 because it is a commercial development located at the intersection of two arterials. The handbook is consistent with PD5 because combining the parcels will allow flexibility in the development of the commercial center. The handbook does not depart from the zoning regulations making it consistent with PD findings 6, 7 and 8. The Legends at Sparks Marina is 100% non-residential, making PD finding 9. The design of the Legends at Sparks Marina will incorporate common open space and will not affect neighborhood open space, making PD findings 10, 11 and 12. The necessary improvements will be made to the surrounding streets to serve the Legends at Sparks Marina, making PD findings 13 and 14. The Master Plan indicates open space and will not affect open space in the vicinity of the development, making PD

finding 15. The Legends at Sparks Marina is located along the I-80 corridor and has been master planned to be mixed use, including commercial and office type land uses and this request does not change that land use, making PD findings 16 and 17. The standards in the handbook are consistent with the Master Plan and are designed to blend with the surrounding area, making PD finding 18 and 19. Public notice has been given per the code, making PD finding 20.

Council Member Mayer asked if he was correct that this area would have one building about 32,000 square feet in size and if it was going to be in concert with the other development. Mr. Thompson said yes, it would only have one building and the architecture would be compatible with the rest of the Legends project. Council Member Mayer asked if the building would be the same all the way around; not a façade on one side and bare walls on the others. Mr. Thompson said that for the last couple of years Sparks has requested four-sided elevations where there are the same materials and the same level of architecture on all sides of the building instead of just the front. He noted that there were some conceptual elevations included in the handbook and he pointed out that the elevations are subject to Planning Commission approval.

Council Member Mayer said he noticed there were no plans for trees or anything like that and asked if it was just a “best guess” as to what was going to be built. Mr. Thompson said at this site, in a Planned Development, the applicant is required to provide a minimum of 20% open space and this site is about 35%, so they far exceed the landscape standards that are required for the project. He noted that there was a colored landscape diagram for the site in the handbook.

Council Member Mayer asked what the definition of a “luxury” motor coach was versus a regular motor home. Mr. Thompson said staff also struggled with this and that there was an industry standard that relates to the different types of recreation vehicles from A, B, and C, 5th Wheel, travel trailers, etc.; however, it was brought to our attention that a 5th wheel trailer could be considered luxury because of some of the amenities that could be included and that they all would not necessarily be class A, which is more the bus type RV. He said in the handbook there is a definition and it outlines some retailers of some of those types of coaches and staff did the best they could to address those concerns. Mr. McMahan then discussed their marketing plan for the sale of the RV's.

Council Member Mayer expressed concern regarding the appearance of the business and possible outdoor storage or repair work being conducted outside. Mr. Thompson responded that outdoor storage or outdoor repair are usually not allowed with TC type uses and if there was outdoor storage or repair work, it would become a code enforcement issue.

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 Moss, seconded by Council Member Carrigan, to adopt Bill No. 2507 (Ordinance No. 2328), the rezoning associated with PCN06006 to rezone approximately 9.83 acres from TC (Tourist Commercial) to NUD (New Urban District), adopting findings Z1 through Z3 and the facts supporting these findings as set forth in the staff report. Council Members Moss, Carrigan, Schmitt, YES. Council Member Mayer, ABSTAIN. Council Member Salerno, ABSENT. Motion carried.

A motion was made by Council Member Moss, seconded by Council Member Carrigan, to grant tentative approval of the Planned Development Handbook associated with PCN06006 (The Legends at Sparks Marina – Northwest Parcel), adopting findings PD1 through PD20 and the facts supporting these 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 Planning Commission does not recommend that the City Council require a bond at this time as stated in NRS 278A.490. Council Members Moss, Carrigan, Schmitt, YES. Council Member Mayer, ABSTAIN. Council Member Salerno, ABSENT. Motion carried.

Council Member Mayer said he abstained from the vote on these items because he did not believe it was the best use of the property.

6. General Business (Continued) :

6.11

Time: 6:37:00 p.m.

Adjournment to a Closed Session Following the Redevelopment Agency Meeting

Adjournment to a closed session following the Redevelopment Agency meeting to receive information from the City Attorney's Office regarding potential or existing litigation which is within the control and jurisdiction of the City Council (NRS 241.015(2)(b)(2)).

Minutes of the Regular Meeting of the Sparks City Council for May 22, 2006

Attorney Adams noted this was a companion item to 5.9 in case the Council had some questions, but due to the discussion held earlier, there was no need to a closed session.

9.
Comments from the
Council and City
Manager

Time: 6:37:27 p.m.

Assistant City Manager Mellinger asked the City Clerk to read the following Announcement: The City is establishing a Building Division Enterprise Fund Oversight Committee as required by recent revisions to the Nevada Revised Statutes. The committee's purpose is to issue opinions and recommendations regarding the adequacy of the fees charged for permits, the financial objectives and annual budget of the program for issuing permits and other matters related to the plan. The new law states that the committee must be comprised of at least five members and must include a member of the residential construction industry; a representative of the commercial development industry; and a representative of the construction industry. The committee may include a public officer or employee of the local government who manages the fiscal affairs of the local government; and a public officer or employee of the local government who directly oversees the operation of the enterprise fund. Committee members must serve for at least two years and no more than four years. Persons interested in serving on this committee should complete a Community Service Application available at the City Clerk's Office. You may also apply on line at the City's web site: www.cityofsparks.us; click on governing on the web page; then click on boards and commissions get involved; then click on community service applications. Applications will be accepted until the close of business, May 26, 2006.

10.
Adjournment

Time: 6:39:13 p.m.

There being no further business, the meeting was adjourned at 6:39 p.m.

Mayor

City Clerk

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