

SPECIAL MEETING OF THE SPARKS CITY COUNCIL

August 8, 2006

3:00 p.m.

1. Time: 3:02:48 p.m.  
Call to Order The special meeting of the Sparks City Council was called to order by Mayor Geno Martini at 3:02 p.m. in the Council Chambers of the Legislative Building, 745 Fourth Street, Sparks, Nevada.

2. Time: 3:02:55 p.m.  
Roll Call Mayor Geno Martini, City Clerk Debi Dolan, Council Members John Mayer, Phillip Salerno, Judy Moss, Mike Carrigan, Ron Schmitt, City Manager Shaun Carey and Acting City Attorney David Creekman, PRESENT. City Attorney Chet Adams, ABSENT.

Staff Present: Tom Burrous, John Dotson, Joyce Farley, Rob Joiner, Neil Krutz, Dan Marran, Randy Mellinger, Armando Ornelas, Jim Rundle, Greg Salter and Carrie Brooks.

Comments from the Time: 3:03:12 p.m.  
Public Mr. Ted Krembs, 7440 Livi Court, 89436, spoke against the proposed Lazy 8 Casino as part of the Tierra del Sol project and asked for clarification of the City Attorney's explanation of "transfer credits" as described at a Planning Commission meeting.

Pledge of Allegiance Time: 3:06:51 p.m.  
None.

3. Time: 3:06:51 p.m.  
Approval of the Minutes None.

4. Announcements, Presentations and Recognition Items and Items of Special Interest: None.

5. Consent Items: Time: 3:29:53 p.m.  
None.

6. General Business:

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

7.1 Time: 3:06:51 p.m.  
Resolution No. 3038, a Resolution Regarding Projects Being Financed by "STAR" Bonds An agenda item from the Redevelopment Department requesting that the City Council conduct a public hearing and adopt Resolution No. 3038, a resolution regarding projects being financed by "STAR" Bonds as part of The Legends at Sparks

Marina Development:

- A. A finding that the projects will benefit the Tourism Improvement District; and
- B. A determination that as a result of the projects,
  - (1) Retailers will locate their businesses in the District;
  - (2) Sales taxes in the District will substantially increase; and
  - (3) A preponderance of that increase will be attributable to transactions with tourists from out of state.

Redevelopment Manager Armando Ornelas said staff is asking that the City Council continue the preponderance hearing from today to August 14<sup>th</sup>. He said that on the 14<sup>th</sup>, staff expects to be able to provide Council of the overview of the preponderance and related analysis and a status report as to where we are in the process. He said on the 14<sup>th</sup>, staff would then expect to ask the Council for direction as to when to bring the item back for a conclusion. He emphasized that staff is still working with our bond counsel and with our financial advisor, as well as with RED Development and their advisors, to prepare the various studies and complete the analysis, in the estimation of our advisors in particular, would serve as the basis for the preponderance determination.

Council asked if they could talk about the preponderance findings on the 14<sup>th</sup>, or if it would just be another continuance. Mr. Ornelas stated that on the 14<sup>th</sup>, staff would expect to go through the analysis that has been laid out by the bond counsel and also provide a status report on where we stand with all the various pieces of that analysis. Then staff would ask for further direction from the Council.

Mr. Ornelas emphasized that staff does not feel they will have all the information necessary to make a preponderance determination on the 14<sup>th</sup>, but the Council will be able to review the course that has been laid out and to provide feed back and pose any questions they might have regarding the analysis. He said staff will also ask the Council to continue the hearing to a future date when staff, and/or our advisors, could come before the Council and say we have completed the analysis and we believe we have the evidence required for the Council to reasonably make the determinations called for by NRS Chapter 271A.

Council Member Schmitt expressed concern that the preponderance hearing kept being postponed. Mr. Ornelas emphasized that according to our financial advisor and our bond counsel we won't have completed the analysis necessary for the

Council to make a determination on the 14<sup>th</sup>, but we can explain the nature of the analysis and would expect we would have sufficient evidence at the meeting after the 14<sup>th</sup>; hopefully by August 28<sup>th</sup>, but it is difficult to predict, with certainty, that we will have completed everything by that specified date. Council Member Schmitt said he did not see why we had to waste the Council's time on the 14<sup>th</sup>, just to continue the issue to another meeting.

A lengthy discussion ensued regarding the benefit of discussing the preponderance information on the 14<sup>th</sup>, and then continuing the hearing to the 28<sup>th</sup>.

Council Member Schmitt asked for a list of what the issues were and what needed to be done. Mr. Ornelas stated that staff would provide in advance of the 14<sup>th</sup>, a staff report that outlines the issues for the Council.

Council Member Mayer asked if there was enough time to notice for the meeting on the 14<sup>th</sup>. Acting City Attorney Creekman commented that there are two separate notice requirements for this process: one occurs under the open meeting law and it is not too late for that notice. There is yet another notice requirement under NRS Chapter 271A, which obligates a 15 day notice, which has previously been given in anticipation of today's meeting and in anticipation of this meeting being continued to an informational session on the 14<sup>th</sup>. However, because we are talking about yet another continuance, he would request that the 15 day notice be provided once again for the meeting anticipated on the 28<sup>th</sup>. He said that the previous 15 day notice can simply be sent to the newspaper once again, just to make certain that we are properly covered, because he was concerned that with four or five continuances, an argument could be made that we are getting too far away from the originally noticed event, and we are better off erring on the side of caution.

Council Member Carrigan asked if we would be ready on the 28<sup>th</sup>. Mr. Ornelas stated that staff is optimistic that we will be ready on the 28<sup>th</sup>, but he can't say for certain. Mayor Martini said the bottom line is that it is not completely up to staff to get this deal done and that there are outside people who have to buy off on this and there is no way to get them to buy off unless they want to. Mr. Ornelas added that there are outside people that incur liability when they participate in this process and they have their own requirements in terms of what they need to provide a bond opinion

and that is out of our direct control.

Mayor Martini noted that this was a scheduled public hearing and opened the floor for public comments. There being no one who wished to comment, the public hearing was closed.

He asked Attorney Creekman what the motion should be to be legally correct. Mr. Creekman said the Council should make a compound motion in which they initially continued discussion of this item, with the possibility of providing further direction to staff to August 14<sup>th</sup> and at the same time continue the preponderance hearing to August 28<sup>th</sup>.

Council Member Mayer expressed concern about continuing the preponderance hearing to the 28<sup>th</sup>, until after the meeting on the 14<sup>th</sup>. Mr. Creekman said there has to be an element of faith involved in this issue that the Council is going to obtain enough information on the 14<sup>th</sup> to be able to figure out where we are in this process and, once they know where we are, the Council can direct staff as to the meeting on the 28<sup>th</sup>. Council Member Mayer expressed concern that if we made the motion to continue to the 28<sup>th</sup>, then we were tied in, even if staff informed the Council that it would take longer. Mr. Creekman suggested the Council modify the motion with leave to amend the date of the 28<sup>th</sup> at the meeting on the 14<sup>th</sup>, if necessary, because the 15 day notice had to be sent out by the 11<sup>th</sup>, if we are to meet the notice requirements.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan to continue discussion of this item, with the possibility of providing further direction to staff, to the meeting of August 14<sup>th</sup> and at the same time continue the preponderance hearing to the meeting of August 28<sup>th</sup>, with leave to amend the meeting of the 28<sup>th</sup>, if necessary. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion Carried.

8. Planning and Zoning Public Hearings and Action Items: NONE

9.  
Comments from the  
Council and City  
Manager

Time: 3:24:26 p.m.

City Manager Shaun Carey advised we needed to conduct a Special City Council Meeting on August 21, 2006, in order to comply with State law regarding Canvassing of the Results of the Primary election held on August 15<sup>th</sup>. Council Members Schmitt and Salerno indicated that they would not be able to attend a special meeting on that date. Council Members Carrigan, Moss and Mayer indicated that they could be present on that date.

Minutes of the Special Meeting of the Sparks City Council for August 8, 2006

There being a quorum who would be able to attend the meeting, the date of the Special Meeting was set for August 21, 2006, at 3:00 p.m.

Council Member Mayer noted that the Regional Transportation Commission (RTC) broke several transit records this past Friday: the record for the most number of transit rides and the record for having to deny only five City Access ride requests.

10.  
Adjournment

Time: 3:27:21 p.m.  
There being no further business, the meeting was adjourned at 3:27 p.m.

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Mayor

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City Clerk

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