

REGULAR MEETING OF THE SPARKS CITY COUNCIL

August 14, 2006

3:00 p.m.

1.

Call to Order

Time: 3:04:35 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: 3:04:36 p.m.

Mayor Geno Martini, City Clerk Debi Dolan, Council Members John Mayer, Phillip Salerno, Judy Moss, Mike Carrigan, Ron Schmitt, Acting City Manager Randy Mellinger, City Attorney Chet Adams, PRESENT. City Manager Shaun Carey, ABSENT.

Staff Present: Brian Bessette, Tom Clewell, David Creekman, John Dotson, Patty Emerson, Jon Ericson, Pete Etchart, Joyce Farley, David Fitzpatrick, Alexis Hill, Dan Hopper, Rob Joiner, J.D. Kiley, Heather Manzo, John Martini, Adam Mayberry, Joann Meacham, Karen Melby, Armando Ornelas, Bill Parsons, Summer Pellet, Margaret Powell, Brent Quilici, Tom Riley, Jim Rundle, Andy Simpson, Ross Soderstrom, Bert Soffiotto, Chris Syverson, Tim Thompson, Victor Villarreal and Carrie Brooks.

Comments from the
Public

Time: 3:04:46 p.m.

Mr. Paul Enos, 2215 Green Vista Drive, representing the Nevada Motor Transport Association, commented on the proposed local option for diesel taxes, one of the issues the League of Cities is looking at. He explained the details of the International Fuel Tax system and how it worked and the negative effect it would have on fuel tax distribution in Nevada. He urged the Council not to support a local diesel tax initiative.

Mr. Al Hesson spoke against the war in Iraq.

Invocation and Pledge of
Allegiance

Time: 3:11:25 p.m.

The invocation was given by Reverend Kate Atkinson of St. Paul Episcopal Church and the Pledge of Allegiance was led by Council Member John Mayer.

Approval of the Agenda

Time: 3:15:50 p.m.

Consideration of taking items out of sequence, deleting items and adding items which require action upon a finding that an emergency exists.

A motion was made by Council Member Schmitt, seconded by Council Member Carrigan, to approve the agenda as posted.

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Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES.
Motion carried.

3. Time: 3:16:34 p.m.
Approval of the Minutes A motion was made by Council Member Mayer, seconded by Council Member Moss, to approve the Minutes of the Special Meeting of July 17, 2006 and the Regular Meeting of July 24, 2006. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

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

Time: 3:13:26 p.m.

Council Member Schmitt presented the Council with a framed photo of the Marina area of our Sister City, Garibaldi, Oregon. He said that two weeks ago, he, along with the Mayor and City Manager, attended the annual festivities in Garibaldi. He noted that every Christmas, for the last 20 years, Garibaldi has donated a tree for our downtown winter celebrations, and transported it to Sparks at their expense.

4.1 Time: 3:17:03 p.m.
Introduction of New Cityworks Employees Planning Manager Margaret Powell introduced the following new Cityworks employees: Assistant Planner Bill Parsons; Assistant Planner Heather Manzo; Assistant Planner Alexis Hill; Assistant Planner Andy Simpson; Building Permit Specialist J.D. Kiley; Building Permit Specialist Bert Soffiotto; Administrative Secretary Dan Hopper; Administrative Secretary Patti Emerson; and Senior Planner Victor Villarreal.

4.2 Time: 3:22:27 p.m.
Presentation on the Status of the Pyramid/McCarran Intersection Improvement Project by RTC Mr. William (Bill) Vann, Senior Engineer at the Regional Transportation Commission, (RTC) gave a power point presentation which discussed the project background, where they are in developing design alternatives, and the next steps in the process.

It was noted that about 60 homes would be involved for the various interchange options and at today's prices it would cost approximately \$15 million to obtain the needed right of way for the project. Council Member Mayer expressed concern regarding a proposed bill dealing with eminent domain which would more than double the cost of obtaining rights of way for public projects like this.

4.3 Time: 3:48:58 p.m.
Presentation by the Nevada League of Cities Mr. David Frazier, Executive Director for the Nevada League of Cities, discussed the League's Legislative Compact, their Legislative Advocacy Policy, and the 2007 Bill Draft Request proposals.

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5. Consent Items:

Time: 4:05:54 p.m.

A motion was made by Council Member Salerno, seconded by Council Member Moss, to approve Consent Items 5.1 through 5.20, as outlined. 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 July 6, 2006 through July 26, 2006.

5.2
Cabaret License for
Cabieses Cigars & Café
Club, 906 Victorian
Avenue

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Monica Marie Myles, 3271 Shari Way, for a Cabaret License for Juanron, Inc., doing business as Cabieses Cigars & Café Club, located at 906 Victorian Avenue, Suite B. This will be her first Cabaret License in Sparks. The license will provide a \$1,300.00 annual fee, 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
Dining Room Wine and
Beer License for Slices,
2875 El Rancho Drive,
Suite 101

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Todd J. Klusman, 2005 Flycatcher Drive, Sparks, for a Dining Room Wine & Beer License for Slices Pizza, LLC., doing business as Slices, located at 2975 El Rancho Drive, Suite 101. This will be Mr. Klusman's first liquor license in Sparks. The license will provide a \$500.00 annual fee, 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
Costco Wholesale #646,
4810 Galleria Parkway

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Phillip C. Reddick, 2333 Dant Court, Reno, for an Alcoholic Beverage Package License for Costco Wholesale Corp., doing business as Costco Wholesale #646, located at 4810 Galleria Parkway. Mr. Reddick is the General Manager and this will be his first liquor license in Sparks. The license will provide a \$700.00 annual fee, 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
Carolina Kitchen &

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Johanna L. Cobb, 90 Hercules Drive, Sparks, for an On Premises Alcoholic Beverage License for Carolina Kitchen & Barbeque Co., LLC,

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Barbeque Company, 950 Glendale Avenue located at 950 Glendale Avenue. Ms. Cobb is the owner of the business and this will be her first liquor license in Sparks. The license will provide a \$1,000.00 annual fee, 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
Final Subdivision Map for Galleria Station, Unit No. 2
An agenda item from Community Development Director Neil Krutz recommending the City Council approve a Final Subdivision Map for Galleria Station, Unit No. 2. This subdivision will create 155 condominium units on 12.96 acres within the Galleria Station Planned Development, generally located east of Galleria Parkway, north of the Disc Drive extension, and south of Los Altos Parkway. The current zoning for this subdivision is PD and the developer will be Galleria Station, LLC. The final map and civil improvement drawings have been reviewed by the Community Development Department and have been found to be acceptable. A performance bond has been filed with the City Clerk to guarantee construction of the public improvements.

5.7
Final Subdivision Map for Waterstone at Kiley Ranch (Formerly Village 39 at Kiley Ranch North)
An agenda item from Community Development Director Neil Krutz recommending the City Council approve a Final Subdivision Map for Waterstone at Kiley Ranch (Formerly Village 39 at Kiley Ranch). This subdivision will create 203 new lots on 13.38 in the Kiley ranch North New Urban District, generally located east of Sparks Boulevard, west of Vista Boulevard, north of the Sun Valley Diversion Channel, and south of Kiley Parkway. The developer for this subdivision will be Pacificwest Company and Waterstone Attached Homes, LLC. The final map and civil improvement drawings have been reviewed by the Community Development Department and have been found to be acceptable. A performance bond has been filed with the City Clerk to guarantee construction of the public improvements.

5.8
Naming of Four New Parks
An agenda item from Operations Superintendent Brian Bessette recommending the City Council approve the names of four parks as submitted by the Parks and Recreation Commission, in accordance with the park naming policy:

1. Foothills Park #1 off Bareback Drive – Tumbleweed Trails Park
2. Foothills Park #2 off of Lepus Drive – Bitterbrush Park
3. Miramonte Park off Vista Heights Drive – Sage Canyon Park
4. Wingfield Park #4 off of Silverton Way - Silverton Shores Park

The names were suggested by members of the public and members of the Park Naming Committee, who chose the above names to be forwarded to the City Council for approval.

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5.9
Agreement for Bond
Counsel Services for The
Legends at Sparks Marina

An agenda item from Acting Finance Director Joyce Farley recommending the City Council approve an Agreement for Bond Counsel Services with Orrick, Herrington & Sutcliffe to serve as bond counsel for The Legends at Sparks Marina bond financings. This company will serve as bond counsel for the STAR bonds, SAD bonds, and Car Rental Fee bonds to be issued to help finance the project, which Sparks Legends Development, Inc. is proposing to build on approximately 144 acres of land located between the Sparks Marina and Sparks Boulevard. The project would include 800,000 to 1 million square feet of “destination” retail facilities and may include a hotel-casino and a Triple A baseball stadium. The financial impact of this agreement is undetermined at this time. If bonds are issued, fees will be collected out of the bond proceeds. If bonds are not issued, the City will be billed on an hourly basis.

5.10
Professional Services
Agreement for
Development of the
Flood Emergency
Education and Mitigation
Program

An agenda item from Flood Control Manager Shaun Gooch recommending the City Council approve a professional services agreement with Quad Knopf in the amount of \$49,981 for assistance to the Public Works Department for development of the Flood Emergency Education and Mitigation Program. The program will encourage property and business owners to flood proof their buildings and have a reliable plan for responding to the threat of flooding by installing flood proofing devices in advance of the event.

5.11
Bid Award for 432 Linear
Feet of 4-foot Diameter
Reinforced Concrete Pipe
to be Installed in the
Sessions Ditch

An agenda item from Flood Control Manager Shaun Gooch recommending the City Council award to Rinker Materials the purchase of 432 linear feet of 4 foot diameter reinforced concrete pipe in the amount of \$38,750, as outlined in their quotation, dated June 22, 2006. This pipe is to be installed by Hood Machine for the City in the Sessions Ditch between industrial Way and Marietta Way. The ditch is an historic irrigation water delivery system that is no longer in use for the delivery of irrigation water. Since the development of the Sparks Industrial Area, the ditch has been used by the City to convey storm water from the area to the Truckee River and has been piped by the property owners in an inconsistent manner, leaving reaches of the ditch open. These remaining open portions of the ditch create a maintenance burden on the City and Hood Machine has agreed to provide the engineering and construction and also to secure access and maintenance easements in favor of the City.

5.12
Professional Services
Agreement for On-call
Services in Support of the

An agenda item from Transportation Manager Jon Ericson recommending the City Council award to Sierra Transportation Engineers, Inc. a professional services agreement in the amount of \$84,300 for on-call services in support of the Pavement

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Pavement Management System and Micro-Paver Program

Management System and Micro-Paver Program. The City of Sparks, the RTC, City of Reno, and Washoe County have developed the Regional Preventative Maintenance Program. These agencies are currently working on development of the Regional rehabilitation and Reconstruction Program. As part of these programs, the pavement preventative maintenance, rehabilitation and reconstruction selection process was developed, which utilizes the Pavement Condition Index of the roadways in the various jurisdictions. According to the developed policies, every street in the network must have a current PCI survey at least every three years to be eligible for RTC fuel tax funding. Sierra Transportation Engineers, Inc. has been assisting Sparks in bringing all streets within the three year criteria and as of January, 2006, we have no back lot of existing streets. STE will continue to provide training for Sparks personnel, make available training and technical assistance to our new Pavement Management Coordinator and offer quality control services of the old and new data input utilized by the micro-paver program.

5.13
Professional Services Agreement for the Development of a Pavement Management Program

An agenda item from Transportation Manager Jon Ericson recommending the City Council award to Sierra Transportation Engineers, Inc. a professional services agreement in the amount of \$69,250 for development of a Pavement Management Program. STE will gather required information on innovative maintenance/rehabilitation techniques, provide the City with a “toolbox” of treatments based upon different types of roadway distresses, develop the methodology of PMP and the associated firmware, and aid in the creation of the Five Year Outlook for the Road Ahead Program (RAP) Preventative Maintenance Program.

5.14
Bid Award for Two Side Dump Trailers

An agenda item from Operations Superintendent Starlin Jones recommending the City Council award to Smithco Manufacturing the bid (No. 06/07-002) for the purchase of two side-dump trailers in the amount of \$95,599.68. The trailers will be used to haul bio-solids from the Truckee Meadows Water Reclamation Facility to the landfill or alternative sites.

5.15
Contract Award for a Paging System Extension in Fire Station No. 1 Dormitory

An agenda item from Civil Engineer Ross Soderstrom recommending the Council award to Westnet, Inc., a contract in the amount of \$25,798.80 to purchase and install additional paging stations to the existing paging system in the remodelled 3rd floor dormitory in Fire Station No. 1. The third floor living quarters in this fire station are presently undergoing renovation to provide individual sleeping rooms for the crew members, reduce night time noise in the dormitory and to improve the comfort for the fire department personnel housed in the dormitory.

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- 5.16
Refund of Permit Fees to Reynen & Bardis
- An agenda item from Building Official Curt Weagel recommending the Council approve a refund of permit fees to Reynen and Bardis in the amount of \$13,101.81 for permit Nos. A0505996 and A0600724. Reynen and Bardis decided to change the plot plans for two lots after the permit applications were submitted and paid for.
- 5.17
Professional Services Contract for the Design of Kestrel Park in the Kiley Ranch North Subdivision
- An agenda item from Operations Superintendent Brian Bessette recommending the Council approve a professional services contract with Stantec Consulting in the amount of \$72,295 for the design of Kestrel Park in the Kiley Ranch North subdivision. A 2.68 acre parcel of land has been selected for a neighborhood park and the name, Kestrel Park, was approved by the Council in March. The Parks and Recreation Department will supervise the design and construction of the park and Stantec has been chosen to provide the design and related engineering services for the Park, based on their submitted request for proposals.
- 5.18
Agreement for Sale of Treated Effluent with AIG Baker Real Estate, LLC for Sparks Crossing Development
- An agenda item from Public Works Director Wayne Seidel recommending the Council approve an Agreement for Sale of Treated Effluent with the AIG Baker Real Estate, LLC for the Sparks Crossing development. AIG Baker Real Estate desires to irrigate landscaping within the Sparks Crossing development site with effluent. Irrigation will be drip and spray, and will be on a night-time schedule. Revenues to the Sewer Utility fund are estimated to be \$4,498 per year. The agreement specifies a 20 year agreement that is revisited every five years to determine appropriate water rates.
- 5.19
Agreement for Sale of Treated Effluent with Rialto, LLC for Los Altos Parkway Streetscape
- An agenda item from Public Works Director Wayne Seidel recommending the Council approve an Agreement for Sale of Treated Effluent with Rialto, LLC for the Los Altos Parkway Streetscape. As part of the Spanish Springs Town Centre Development, the effluent pipeline system in Spanish Springs was extended to provide service for commercial and right-of-way landscape irrigation uses. Rialto, LLC desires to irrigate right-of-way landscaping for the Los Altos Parkway Streetscape with effluent. Irrigation will be drip and spray, and will be on a night-time schedule. Revenues to the Sewer Utility fund are estimated to be \$6,136 per year. The agreement specifies a 20 year agreement that is revisited every five years to determine appropriate water rates.
- 5.20
Agreement for Sale of Treated Effluent with Bencor/Galleria L.P. for
- An agenda item from Public Works Director Wayne Seidel recommending the Council approve an Agreement for Sale of Treated Effluent with the Bencor/Galleria L.P. for Walgreens within the Spanish Springs Town Centre development. The Los

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Walgreens with the Spanish Springs Town Centre Development

Altos Walgreen's located in the Spanish Springs town Centre is currently under construction. Bencor/Galleria L.P. desires to irrigate right-of-way and on-site landscaping with effluent. Revenues to the Sewer Utility fund are estimated to be \$1,338 per year. The agreement specifies a 20 year agreement that is revisited every five years to determine appropriate water rates.

6. General Business:

6.1

Approval of Bill Draft Request for the 2007 State Legislative Session Regarding Graffiti Offenses

Time: 4:06:52 p.m.

An agenda item from Government Affairs Manager Rob Joiner requesting the City Council approve a bill draft request (BDR) for the 2007 State Legislative Session, calling for amendment to various provisions of Nevada Revised Statutes regarding penalties for violators of destruction of property, including graffiti offenses.

Mr. Joiner said that the top two priorities for the Council were creating a State Disaster Recovery Fund and issues related to graffiti. He noted that the Nevada league of Cities has agreed to carry the disaster recovery fund bill draft request for the City. He said the staff report covers what the staff has found regarding proposed graffiti bill draft requests and what other entities are doing; specifically: Las Vegas Metro Police (through Clark County) and the City of Reno.

He noted the report contains the differences between penalties for juveniles and adults and said that staff is proposing that our bill draft request increase the penalty in relation to community service. He said in working with the Police Department and the Municipal Court Judges, he has learned how the fines and penalties are adjudicated and (in their opinion) which ones work or don't work.

Mr. Joiner said that the fines for juveniles are discretionary and can be waived, by State Law, and our Municipal Code reflects the State Law. He noted that there is not a lot of money in the award/abatement fund, even though adults are fined, because while we can charge a fine, they don't always pay it.

Mr. Joiner said he is still reviewing the proposed bill draft with the Judges and the Juvenile Masters on their recommendations and he would like to come back at a later date and talk to the Council about Sparks Municipal Code 9.55.080, because there are a lot of things that the Judges are recommending. He said the Metro Police BDR is looking to tighten up the State law on paraphernalia. He said right now the judges feel a little restricted because if we don't catch them in the act or have a direct witness tying them to the act, or if they are not in close proximity to one of

the type structures in State law, it is very difficult, even if they are caught with paraphernalia, to charge someone with graffiti. Mayor Martini asked if this was something we could tighten up in our own code. Mr. Joiner responded yes, we could and noted that both Reno and Las Vegas have tighter restrictions on paraphernalia or graffiti apparatus.

Mr. Joiner said staff is proposing that our bill draft is proposing that State law increase the first offense community service minimum from 50 hours minimum to 99 hours minimum and not exceed 199 hours. The second offense would be no less than 250 hours and not more than 400 hours; increased from the present 100 to 199. Third and subsequent offenses would be not less than 500 hours of community service.

He said that one of the concerns that was raised by our local employees that do graffiti eradication, the Judges, and the Police, is that they all feel that we should not have someone who performs community service on graffiti related offenses remove graffiti; because it exacerbates gang problems and there have been physical threats to our employees. He said it is recommended that their community service involve other types of service.

Mayor Martini asked when the bill draft was due. Mr. Joiner responded it was August 31st. Mayor Martini asked if we could make changes after it was submitted. Mr. Joiner said that no, we could not, so the Council's last opportunity for action would be at the meeting on the 28th.

Council Member Carrigan said he felt that if someone committed the crime of graffiti, then they should have to work on getting it off, because it is not an easy task, and why should they pick up garbage, if they did graffiti. Mr. Joiner noted that our bill draft does not address this issue, but our local police and judges feel it is not a good idea.

Council Member Moss asked if increasing the amount of community service has proven to be effective in other areas. Mr. Joiner said that the local municipal judges felt that this would be the most effective deterrent. He emphasized that this did not replace restitution or other assessments and fines.

Council Member Mayer said he felt that we need to be as tough as possible on these perpetrators and also that we needed to do something to increase the reward/abatement fund so that we have money available to pay informants. He said graffiti is a crime against all of us, not just the property owners, because we have to

pay for equipment and manpower to have it removed.

Council Member Carrigan said he agreed with Council Member Mayer that we needed to be tough, and he felt that there should be no “increasing” penalties for first, second, or third offense, because this was a pre-meditated act and if we can catch them, then they should have to do the time and if they get caught again, then they will be working for the City for a long time. Mr. Joiner said he was just going with existing state law and increasing the fines, but if this is the way the Council wanted to go, he could work with it.

Mayor Martini asked what the chances were of getting our bill draft passed, if we increase the penalties so much. Mr. Joiner noted that there are cases in other states where the penalties are too onerous and the higher courts have thrown out the cases.

Council Member Schmitt said the graffiti laws are obviously broken, because the situation has gotten worse in the last two years, and he felt that we are doing a lot of “hand holding”. He said we have identified several major issues, including: Eight years ago we had a court that cost the taxpayers of the City of Sparks zero dollars, because the fines paid for the Judges and staff. However, today a budget of almost \$2 million a year is what it cost the taxpayers because we went to a system of community service that allows violators to pick the time and activity to “pay their fine”. But Congress is working on a way for cities to “lien” federal tax returns, so we can collect unpaid fines and he said we should support this bill as a way to get people to pay their fines instead of letting them choose community service.

Mr. Joiner noted that the City of Reno’s BDR is proposing mandatory suspension of driver’s license for both juvenile and adults convicted of graffiti on first offense.

Council Member Salerno said he supported the idea of suspension of the driver’s license.

Mayor Martini asked the Council what they wanted to do. Council Member Mayer said he would like to see the BDR come back on the 28th with a concise outline of what our BDR will accomplish, along with information on the other BDR requests, and that we also support the other graffiti bill draft requests. Council Member Carrigan said that instead of a graduated offense penalty, he would like to see it in 250 hour increments: first offense, 250; second offense 500, etc.

Mr. Joiner said he would bring back the changes requested by the Council, and he would also take a look at our municipal code and see what we could do to take “judges discretion” away and make our penalties mandatory and not optional.

6.2

Presentation and Possible Action Related to the Sparks Charter Committee Action to Amend the Sparks Charter

Time: 5:00:52 p.m.*

An agenda item from Sparks Charter Committee Chairperson Kendall Mattina requesting the City Council receive a presentation on the proposed changes to the Sparks Charter and to approve the action taken by the Sparks Charter Committee to amend the Sparks Charter, Article IX, Section 0.010 (Civil Service Commission: Appointment; removal; compensation).

Ms. Kendall Mattina report that the Charter Committee met 7 times this year and discussed several issues, including: making the Mayor a voting member of the City Council; adding a sixth Council Member; the City Attorney being elected or appointed; possible action on having an elected Mayor Pro tempore; and the anti-nepotism ruling and the Civil Service Commission.

She said the only item they chose to follow through on was the anti-nepotism ruling and the Civil Service Commission. She said they felt that they should put the Commission on the same par as the City employees, as far as anti-nepotism went.

She stated that page 3 of the staff report outlines the change, but essentially they are requesting it be changed to require that no member of the Civil Service Commission can be related to a current City employee within the third degree of consanguinity or affinity, and also that a member of the Civil Service Commission cannot be a member of another commission, either appointed or elected in the City.

Council Member Mayer commented that the City’s anti-nepotism policy did not keep, for example, the City Manager’s son from working in the Planning Department. Ms. Mattina said that the requested change was about an employee who was not executive level and also pointed out that the City Manager’s son would not be able to work directly under the supervision of the City Manager. Council Member Mayer asked if this meant that if an employee was not covered under the Civil Service Regulations, then a member of their family could serve on the Commission. The response was that this was not their intent, because even if the employee was not covered by Civil Service, the employee could still affect the family member serving on the Commission.

Council Member Mayer said he did not think this anti-nepotism change was the same as the City's anti-nepotism policy and requested that they not claim it was when they presented it to the Legislature. He also wanted to know why the Civil Service Commission was being singled out for dual membership, when no other commission was being singled out. He said it should be that all the boards and commissions should be included in the exclusion, or none of them should be excluded. Ms. Mattina said the intent was that the Civil Service Commission should be completely separate from the classified employees and if they were involved in other commissions or committees, they could possibly have an issue with adjudicating an issue between employees and supervisors.

Council Member Mayer said he did not feel it was right to single out a specific Commission for exclusion when it did not apply to all those who serve on the boards and commissions.

Council Member Salerno asked what brought about this change. Ms. Mattina said she was not at the meeting when this issue was brought forward; however, the Committee felt it was important enough to follow-up on. Deputy City Attorney Tom Riley said he was at the meeting when this issue was brought up and Charter Committee Member Cindy Bayer-Pazack, who used to be a Secretary in the City Attorney's Office, brought forward several prospective bill changes for the City and this particular one was brought forward, according to Ms. Bayer-Paszek, at the request of Council Member Mayer. Council Member Mayer said he did not request this change. It was noted that Ms. Bayer-Paszek had resigned from the Committee. Attorney Riley said that regardless, the Charter Committee felt the issue was valid and chose to carry forward a bill draft request. Mr. Riley emphasized that the Civil Service Commission is very different from other boards and commissions within the City because it is the body that makes decisions regarding people's employment and it was felt that if there is a connection between members of the Civil Service Commission and current city employees, then there is a greater potential for a conflict of interest and bias toward other employees of the City.

City Attorney Adams said the original issue was brought up on March 22nd by a Committee Member and at that time our Human Resources Department brought in someone from the Reno Civil Service Commission, and the Reno Civil Service Commission, just like the City of Sparks, is an independent investigatory and adjudicatory body. The idea to keep this body separate and insulated from the other affairs of the City is very important;

however, more importantly is a policy decision. He noted that several months ago he presented the Council with a staff report recommending that the Civil Service Rules and Regulations be modified to prohibit nepotism throughout the City. He said the Council ultimately decided to amend the rules to say no nepotism would be allowed unless the Civil Service Commission reviews the request and says it is okay to bring on someone within the third degree of consanguinity or affinity. Mr. Adams said this was problematic for him and he has voiced these concerns to the Council over the last several months. He said the problem is that it has a tendency to create a policy within the City that could ultimately result in a disparate impact against minorities. He said once the City allows brothers, sisters, nieces, nephews, husbands and wives to become employed with the City, at a City Hall that is predominately white, relatives are typically going to be predominately white, and by allowing this, it could create civil rights liabilities. He said when you have a Civil Service Commission deciding on whether or not relatives of existing employees can be hired and that Civil Service Commission itself is not controlled by any sort of nepotism, the problems are exacerbated once again. Mr. Adams said that from a legal standpoint, he would support the Charter Committee's recommendation, because we are entitled to an independent body that is free of political influence; either through other boards and commissions or through existing family ties with current City employees.

Mayor Martini pointed out that the Council did not need to take action on this because whether or not they voted against it, it would still go to the Legislature.

Council Member Carrigan said when he spoke to the Charter Committee; it sounded like they were leaning toward giving the Mayor a vote, and asked what happened. Ms. Mattina said the question was voted down. She said it was felt that if the Mayor had a vote, then they would have to add another person to the City Council to avoid having tie votes, and this was a bigger issue than what they wanted to take on right now. She said that perhaps in four or eight years the City would have grown enough to warrant adding another council person.

Council Member Carrigan noted that the summary, on the second paragraph, reads that it prohibits future members of the Civil Service Commission from serving on the City Council and suggested that perhaps they want to prohibit City Council Members from serving on the Civil Service Commission, because the other way a Civil Service Commissioner could not run for City

Council. Ms. Mattina said the intent was to prevent it from being concurrent, so they would take a look at the wording to make sure it matched the intent.

*This item was heard out of order.

6.3

Review of PCN06017,
Color Elevations for a
Special Use Permit
Located at 1557 "H"
Street

Time: 4:32:11 p.m.

An agenda item from Assistant Planner Summer Pellett requesting the City Council hear an informational item, the color elevations for PCN06017, a rezoning and Special Use Permit for the construction of a second, detached residential unit on a substandard parcel located at 1557 "H" Street. The Planning Commission approved the Special Use Permit on April 6, 2006, and the City Council approved the rezoning on May 8, 2006. At the rezoning hearing, Council Member Mayer requested that the architectural elevations associated with the project be brought before the City Council for their review.

Ms. Pellett displayed a map of the proposed project and discussed the location of the proposed buildings. She also displayed the elevations and noted that it will be a two-story structure and the applicant has met all of the off-street parking requirements.

The applicant displayed a board which displayed the type of siding, the colors he intended to use on the new structure, the type of roofing and the type of rough saw wood that would be used to trim the window openings.

6.4

Possible Instruction to
Staff to Initiate a Code
Amendment Regarding
Parking District One

Time: 4:38:06 p.m.

An agenda item from Redevelopment Staff requesting the City Council provide direction to staff to initiate a code amendment to modify/update the standards in relationship to parking district one, pursuant to Chapter 20.49 of the Sparks Municipal Code.

Associate Planner Jim Rundle displayed a map and noted that the parking district essentially goes from north of I-80 to 15th Street; along to D Street and down to 6th Street. He said staff is concerned that right now in the parking ordinance, the exemptions for that Parking District (which is our downtown core area) have some huge reductions that developers could utilize. He said they could construct a new building at 9,999 square feet and be required to provide little to no parking. He said the reductions would also apply if a developer added to an existing building. He said this would hurt our downtown, which already has a problem with lack of parking. He said with a new City Hall being proposed for the downtown area, it would be a disaster if major commercial project

came in and took up all the parking in the existing parking garages.

He said the code amendment would also provide changes to Section 20.49.090 that refers to charging for spaces when someone uses the City parking garages.

Council Member Schmitt asked if these parking exemptions were used in the Trammel Crow project. Mr. Rundle clarified that Trammel Crow did a handbook for their project and while they could have gotten a reduction in what is typically required in our parking ordinance, they still provided what our parking ordinance requires, which is one space per bedroom.

A motion was made by Council Member Moss, seconded by Council Member Mayer, to direct staff to initiate a code amendment to modify the standards for parking district one in the Sparks Municipal Code, Chapter 20.49. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.5
Tentative Map for
PCN05070 (Stonebrook)

Time: 4:43:34 p.m.

An agenda item from Associate Planner Summer Pellett requesting the City Council approve a tentative map request (PCN05070) from Reynen and Bardis, LLC, to allow a 615 lot single-family residential subdivision on 223 acres located in the NUD (New Urban District – Stonebrook) generally located south of La Posada and east of Pyramid Highway.

Ms. Pellett said the applicant is proposing to construct detached single-family residential and patio homes on lots ranging in size from 4,672 square feet to 13,476 square feet, with an overall gross density of 2.77 dwelling units per acre. She said that within the Phase I development area the applicant will be required to construct all regional trail connections; pathway connections, open space improvements and parks. The applicant has also been conditioned to complete all capacity improvements on La Posada.

Ms. Pellet said that as approved by the Planning Commission on July 20, 2006, staff has made a change to the working of condition #14, removing a sentence that had stated, “The landscaping associated with the street improvements and site improvements shall be installed prior to the issuance of the first certificate of occupancy for the associated occupancy for the associated village.

Mrs. Pellet said staff and the applicant both felt that this wording could cause them some undue delays during the winter months and because a bond will be required for the landscaping improvements,

staff believes we can eliminate this wording.

Council Member Carrigan asked Ms. Pellet to review the road improvements required for La Posada. Engineering Manager John Martini said that staff has a meeting with RTC to discuss the improvements on La Posada because the RTC currently has a project under consideration right now that involves La Posada/Pyramid Highway/Eagle Canyon. He said staff needs to catch up with RTC on where they are on that project and what it entails so staff can map out what Reynen and Bardis will be responsible for across their frontage on La Posada. He said part of the problem is making the proportionality test because it would be unfair for the developer to be responsible for all of La Posada up to Pyramid Highway because there are existing businesses and there are some issues with right-of-way that are making it difficult. He emphasized that we do not have a clear condition at this time, but staff will be working it out with RTC as to what Reynen and Bardis will be responsible for. He said at the minimum, from Cordoba down, there will be curb, gutter and sidewalk on the south side within our corporate boundary and curb and gutter on the north side like we did with Upper Highlands and Cimarron East and the other projects going up La Posada; and probably an additional lane. He said part of the problem for RTC is what to do with the roadway from Rockwell (the street right behind the Albertson's shopping center which addresses the residential area outside the incorporated Sparks Boundary) up to the intersection. He said potential right-of-way would be needed on both sides of the road. He said that at this time there is no clear condition, but we are covered with any agreement with the developer.

Council Member Mayer asked if this project emptied onto Vista Boulevard. Mr. Martini said that indirectly, it will, because residents can go through the Pioneer Meadows development to get to Vista. Council Member Mayer noted that the widening of Vista Boulevard is way down on the list of projects for RTC and he wanted to know if we could require some of the developers to construct four lanes for Vista in lieu of impact fees. Mr. Martini said the issue on Vista makes it difficult for staff to make a proportionality finding for this project on that broad and expensive an improvement.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to approve the Tentative Map associated with PCN05070, adopting findings T1 through T12 and the facts supporting these findings as set forth in the staff report, subject to the Conditions of Approval 1 through 27, with #14 being changed as indicated by staff and as listed in the staff report. Council

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Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.6

Gold Sponsorship for the National League of Cities Congress of Cities and Exposition Hosted by the City of Reno, December 2006

Time: 4:57:22 p.m.

An agenda item from City Manager Shaun Carey requesting the City Council approve committing \$25,000 for a Gold Sponsorship for the National League of Cities Congress of Cities and Exposition to be hosted by the City of Reno in December, 2006.

Assistant City Manager Randy Mellinger said staff is recommending approval because we will be participating in many of the workshops and this is a huge meeting/conference and he felt that Sparks will benefit greatly from this.

Council Member Schmitt said that he received a report from the National League of Cities office that advance registration is running about 20% of that of any previous conference so far and it is shaping up to be a very good conference.

A motion was made by Council Member Schmitt, seconded by Council Member Moss, to approve the gold Sponsorship in the amount of \$25,000. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

6.7

1st Reading of Bill No. 2516, Adopting the 2005 Edition of the National Electrical Code, with Modifications

Time: 5:22:57 p.m.

City Clerk Debi Dolan read Bill No. 2516 by title, an ordinance adopting the 2005 Edition of the National Electrical Code, with modifications; 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 August 28, 2006.

6.8

1st Reading of Bill No. 2517, PCN06062, Annexation of 2.5 Acres located at 8400 Eaglenest Road

Time: 5:23:22 p.m.

City Clerk Debi Dolan read Bill No. 2517 by title, a general ordinance providing for the annexation of certain lands owned by Mark Curry and Linda Collins to annex into the City of Sparks approximately 2.5 acres within the A-2 (Washoe County) and upon annexation R1-40 (Single Family Residential) zoning district generally located at 8400 Eaglenest Road in Sparks, NV; and providing other matters properly relating thereto.

Mayor Martini announced that the public hearing and second reading of this bill would be conducted at the Regular City Council Meeting of August 28, 2006.

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

7.1

P.H. on Bill No. 2518, Providing for the Issuance of General Obligation Sewer Bonds, Series 2006, in the Not to Exceed amount of \$18 Million

Time: 5:24:04 p.m.

An agenda item from Acting Finance Director Joyce Farley requesting the City Council hold a public hearing and adopt as if an emergency exists (by four fifths majority), Bill No 2518, an ordinance of the City of Sparks, Nevada, providing for the issuance of its general obligation (limited tax) sewer bond (additionally secured by pledged revenues), Series 2006, in the maximum aggregate principal amount not to exceed \$18,000,000; providing the form, terms, conditions, and covenants relating to the payment of said bond; providing for the levy and collection of annual general (Ad Valorem) taxes for the payment of the bond; additionally securing its payment by a pledge of net revenues derived from the operation of the sewer system of the City of which the financed project is a part; providing for adoption of the ordinance as if an emergency exists; and providing the effective date thereof.

Ms. Farley said this ordinance was for the sale of (not to exceed) \$18 million in bonds from the State Revolving Loan Fund.

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 adopt Bill No. 2518 (Ordinance No. 2338). Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

7.2

P.H. on a Resolution Regarding Projects Being Financed by STAR Bonds as part of the Legends at Sparks Marina Development

Time: 5:25:31 p.m.

An agenda item requesting the City Council hold a public hearing on the Legends at Sparks Marina Development and make a finding that the STAR Bond financing of certain projects will benefit a proposed Tourism Improvement District for the Development; and a determination that as a result of the projects, retailers will locate to the Tourism Improvement District, sales taxes will substantially increase in the District, and that a preponderance of the increase will be attributable to out-of-state tourists; and other matters related thereto.

Redevelopment Manager Armando Ornelas noted that the staff report provided an overview of the process and analysis that the staff and the City's advisors are employing to provide a reasonable basis for the City Council to ultimately make a determination as to the various findings that the City Council has to make before it can

establish a Tourism Improvement District for RED Development's Legends project and, ultimately, issue bonds. He said this is the process that has been laid out for us by the City's bond counsel and he asked Special Assistant to the Community Development Department Greg Salter to provide the Council with a summary of the staff report.

Mr. Salter said the staff report was written by the bond counsel and noted that, hopefully, on August 28th, staff will present the Council with a staff report which will describe the projects that will be financed with STAR bonds; describe the overall development; describe the sources and uses of funds and the financing plan that will be used for the development; and will also contain an attachment prepared by our financial analyst describing the financing plan and the pro forma and offering insight as to whether or not the project can be built as planned. He said after the Council reviews the staff report information, they will be asked to make four determinations and findings: whether or not the projects that are financed with the STAR bonds will benefit the tourism improvement district; as a result of the financings, will retailers locate their project in the area; will there be a substantial increase in sales tax revenues and what percentage of that increase will be attributable to transactions with out-of-state tourists.

Mr. Salter said the first finding will be fairly easy to make; will the project benefit the district. We will present the information that the land in the district is blighted and having the STAR bond build some of the projects helps to eliminate blight and will promote tourism. He said the second three findings will be a little more complicated to make, because we don't know who the tenants are going to be. Therefore we have to be a little more careful in doing a more reasoned analysis to get where we want to go. The principal document we will be working off of in making that determination is a report that is prepared by McClure and Associates out of Arizona. This report will provide an analysis of the market conditions and give an idea as to what the market demand will be for tenants in that area. It will also include a table that will show the prospective tenants that will go into the district and how much they are expected to generate in revenues. It will also show, tenant by tenant, how much of those transactions would be expected to come from tourists. Mr. Salter said that before the Council can use this table to make their determination, staff has to help make a determination that there is a reasonable basis that we can rely on this table, because it is speculation. He said this will require staff to do a building block analysis and the first thing they have to analyze is whether or not it is likely that project can be built and will be built as it is configured. This requires staff to

review the resources of the developer, the financing plan and whether or not the financing plan will work and provide revenues and/or funds when they are needed and whether or not there will be enough sales tax revenues to pay back the bonds. He said staff will also provide the Council with an analysis as to whether there are any legal reasons why the project could not be built. He said that after staff provides all this information to the Council, they should be able to make a determination as to whether or not it is likely the project will be built.

He said then staff will go one step up and analyze whether or not that project, as built, will attract the kind of retail tenants that are needed to get us to the preponderance finding. Again, the Council will look at the McClure report, which will analyze demand, and staff will also tell the Council how much progress has already been made. Then staff will go into whether or not those tenants will generate the revenues we need, and again the Council will look to the McClure report and another report prepared by RERC to get that information. He said that finally, once we have established that the project can be built and it is likely it will generate the tenants and the tenants are likely to generate the revenues, then we do the final step and try to estimate the percentage of those revenues that will be attributable to out-of-state tourists. He said Mr. McClure will estimate, on a category basis, tenant by tenant, what percentage of transactions will be attributable to out-of-state tourists, but there is no national data base from which we can draw actual figures; so we will have to use Mr. McClure's professional judgment. Mr. Salter explained that in order for the Council to have a reasonable basis on which to rely on Mr. McClure's professional judgment, staff hired a second consultant, Real Estate Research Corporate Consultants, to double check his methodology and make sure he is employing methodology that is consistent in the market industry. Mr. Salter said that when all of this is presented to the Council, they can determine that there is a reasonable basis for them to rely on the table Mr. McClure has prepared and make a determination as to whether or not a majority of the sales tax revenues that would be generated in the district will come from out-of-state tourists.

Mr. Salter said that staff is asking that the Council open a public hearing, as continued from the 8th, and then continue the public hearing to the meeting of the 28th.

Council Member Mayer commented that he has received questions with regard to why Cabela's was able to get STAR Bonds so quickly and why was it taking Sparks so long. He said he replied that it was because of the complexity of the project and asked if

this was a correct statement. Mr. Salter said yes, that was part of the reason, and the other was that Cabela's had actual data (license plate and zip code data) and there was only one tenant. He said we will have a lot of tenants, so our data is much more speculative. He emphasized that the list in Mr. McClure's report will not identify the tenants, only the category/type of tenants. He said we can only work with those tenants that have been identified and the rest of the list will be generic.

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 Carrigan, to continue this item to the meeting of August 28, 2006. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

8. Planning and Zoning Public Hearings and Action Items:

8.1

Appeal of a Special Use Permit (PCN06010) to Allow a Preschool in the PO Zoning District

Time: 5:36:06 p.m.

An agenda item from Associate Planner Summer Pellett recommending the City Council hear an appeal request to overturn the Planning Commission approval of a Special Use Permit (PCN06010) request to allow a preschool in the PO (Professional Office) zoning district on a site approximately 4 acres in size located within the Iratcabal East Area Plan at 4950 Vista Boulevard.

Ms. Pellet noted that this item was an appeal from Imagination Station to overturn the Planning Commission's approval of a Special Use Permit for the Rock Church which allows for a pre-school in the Professional Office zoning district at 4950 Vista Boulevard. She displayed a map depicting the location of the property, saying the site is located to the east of Vista Boulevard and South of Los Altos Parkway. She said the proposed pre-school will occupy 4,720 square feet of the existing 30,000 square foot church building on this site and the applicant is requesting that a maximum of 134 children, from 3 to 6 years old, be allowed to be enrolled in the pre-school at any one time and that any increase in the number of children above 134 would require an amendment to this Special Use Permit.

Ms. Pellet said the Special Use Permit for the pre-school was reviewed and approved by the Planning Commission on July 6, 2006, after much discussion regarding traffic impacts to the intersection of Iratcabal Circle and Vista Boulevard. An appeal

was filed on behalf of Imagination Station Learning Center Inc., requesting that the City Council overturn the Special Use Permit. Imagination Station is a pre-school and private kindergarten located at 1410 Iratcabal Circle, directly adjacent to the Rock Church. In their appeal letter it states that, "the first application by the Rock Church for use of its premises as a pre-school was based upon 65 enrollees." She said staff could not support this claim because the only application city staff received was for 134 students. Another statement was made that, "Representatives of the Rock Church, prior to proceeding with the Special Use Permit application, were to consult with the undersigned and management of Imagination Station Learning Center Inc., which no such consultation took place." Ms. Pellett said that Sparks Municipal Code and NRS do not require an applicant for a Special Use Permit to meet with adjacent property owners prior to proceeding with their application; however, the laws do require that public notice to be given to property owners within 500 feet and that public notice also be posted in the local newspaper. She said that public notice for this project was mailed to individual property owners on June 23, 2006, and notice of a public hearing was published in the Sparks Tribune on June 22, 2006.

She stated that the proposed pre-school use is estimated to generate 604 average daily trips with approximately 103 of those trips occurring during the am peak hours and 98 of those trips occurring during the pm peak hours. At the July 6, 2006 Planning Commission meeting there was much discussion of the traffic at Iratcabal Circle and Vista Boulevard and John Martini, the Engineering Manager for the City of Sparks, discussed the traffic report that was submitted by Solegui Engineers, Ltd., as well as the conditions of approval that have been placed on this project in order to lessen the traffic impacts at this already congested intersection.

Ms. Pellet noted that with the addition of Condition No. 5, the applicant will be required to install a "quick to enter" access gate that will be closed between the hours of 6:00 a.m. and 7 p.m. Monday through Friday to prohibit use of that entrance during business hours and those that will dropping off and picking up students will be required to use the right-in, right-out on Vista Boulevard. This will lessen the traffic impact on Iratcabal.

She said Condition No. 6 requires that the developer extend the left turn lane medians on Vista Boulevard and Los Altos. She said that staff and the Planning Commission are of the opinion that the Conditions of Approval associated with this Special Use Permit are adequate in mitigating additional traffic impacts from the Rock

Church and the Community Development Department is recommending that the Planning Commission's approval of the Special Use Permit be upheld.

Council Member Salerno asked what was going to happen to the traffic when the currently vacant parcel adjacent to this parcel is developed. Engineering Manager John Martini said that when the Iratcabal East Area Plan was approved, all the land uses were included in the traffic planning at that time. He said the right-in and right-out will also service the area that Council Member Salerno was asking about.

Council Member Mayer asked how many students attended the other "day care". Ms. Pellett noted that Imagination Station is a pre-school and private kindergarten and they have 222 students. Council Member Mayer said that the City has been "burned" by a gate situation before and he was leery of approving another "quick enter" gate, because people would use the access anyway. He asked why we did not require that they fence off the access. Mr. Martini said staff looked at this possibility; but we need the access for emergency vehicles. He said to make it a one-way driveway, the applicant would have to install the devices that puncture tires. He said his recommendation to the applicant is not to do that because this can cause a lot of accidents and make the land owner pay for a lot of tires.

Council Member Mayer expressed concern over the safety of so many children being dropped off that close to Vista Boulevard.

Council Member Moss asked if the main problem with the traffic was that so many people would be arriving and leaving at the same time, because the property is zoned Professional Office. She asked if the traffic impacts would be handled the same way, no matter what had been built on the site. Mr. Martini responded it would depend on the use; but the problem arises because it is a day care and there will be a large morning traffic peak.

Council Member Carrigan said he felt that the estimated 600 trips was very high because parents usually drop off the students in the morning and pick them up in the evening; they don't go back and forth during the day. He asked how long the "stack" lane would be for the extended turn lanes. Mr. Martini said that Mr. Solegui's analysis indicates that for the Iratcabal Circle turn, the Vista Boulevard left turn pocket needs to be extended to a total length of 285 feet and going north, the turn lane will be extended 335 feet, which will provide long turn lanes for traffic stacking. Mr. Martini said he is on the record as saying staff will monitor the

intersection for problems.

Mr. Dave Snellgrove, with Wood Rogers, representing the applicant, The Rock Church, responded to the Council's concerns as noted above. He displayed a map of the site and discussed the access concerns and conditions related to the Special Use Permit.

Mayor Martini opened the public hearing by asking if there was any one present who wished to speak on this matter.

Mr. Carl Andersen, 425 River Bend Drive, Reno, NV, the owner of the property for Imagination Station, said the only problem they have with the new day care facility is the traffic problems it will create.

Ms. Kathy Etchemendy, 2693 San Remo Court, a co-owner of Imagination Station, said she was concerned about the increased traffic and vehicles using their parking lot to turn around or as a short-cut, so they can make a right turn onto Vista Boulevard.

Ms. Elizabeth Wright, 9210 Cordoba Boulevard, a co-owner of Imagination Station, expressed concern that the u-turn solution sounds good, but she felt that it would turn out to be a problem for them, because people would cut through their parking area so that they could make a left turn onto Vista. She encouraged the Council to consider a stop light at that intersection to mitigate the traffic impacts.

Mr. Art Lenon, 5700 Cathedral Peak, Pastor of The Rock Church, said that they do not use the Imagination Station parking lot to access the church during the week and his congregation has been encouraged not to use the parking lot on the weekends. He said they believe they have mitigated the traffic issues on Vista and they want to be a good neighbor.

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

Council Member Mayer asked further questions regarding the gate mechanism and Mr. Martini responded. Mr. Martini also addressed Ms. Wright's suggestion to cut in a left turn in the median on Vista for direct access into the Rock Church entry way; stating that if they did this, they would then have to make a cut for Bosco Way and this would lower Vista Boulevard to a low-access arterial.

Council Member Carrigan commented that he felt the Church has done all it can to mitigate any impacts. Council Member Salerno

said that he could not support something with such a high usage.

A motion was made by Council Member Carrigan, seconded by Council Member Moss, to affirm the action of the Planning Commission and deny the appeal for the Special Use Permit associated with PCN06010, based on the facts supported in the staff report. Council Members Moss, Carrigan, Schmitt, YES. Council Member Salerno, Mayer, NO. Motion carried.

8.2

PCN06052, Pioneer Meadows, Master Plan Amendment and Tentative Approval of a Handbook Amendment (Resolution No. 3039)

Time: 6:25:18 p.m.

An agenda item from Associate Planner Summer Pellett recommending the City Council conduct a public hearing and approve PCN06052, a Master Plan Amendment and Planned Development Handbook amendment request from Lennar Reno, LLC as follows:

Resolution No. 3039, a resolution adopting a change of Master Plan Land from SFR4 (Single Family), RD10A (Single Family), MF15 (Multi-Family), GC (Commercial), BP (Business Park), OS (Common Area/Open Space), S (School), and P (Park) to SFR4 (Single Family), RD10A (Single Family), MF15 (Multi-Family), MF15A (Multi-Family), GC (Commercial), BP (Business Park), OS (Common Area/Open Space), S (School), and P (Park) on approximately 640 acres in the Pioneer Meadows Planned Development generally located south of La Posada and East of Pyramid Highway; and

Amendment to the Planned Development Handbook for the Pioneer Meadows Subdivision.

Ms. Pellett noted that current zoning, master plan, and handbook for Pioneer Meadows was approved nearly seven years ago and staff is of the opinion that the shifting of land uses associated with this request will better serve the Spanish Springs valley. She said that since 1999, there has been considerable change in northern Sparks and Pioneer Meadows has become surrounded by commercial developments, business parks, and high and low density residential uses. Projects such as Sparks Galleria, Kiley Ranch North, Spanish Springs Town Centre and Sparks Crossing were not taken into account, or even anticipated, at the time this project was originally approved. Staff believes that the most viable commercial land use location within Pioneer Meadows is along Vista Boulevard and staff supports the applicant's request to consolidate the business into the northwest corner of the project site. She said that staff also supports the new MF15A land use designation that will incorporate a neo-traditional design.

Ms. Pellett noted that on June 1, 2006, the Planning Commission approved the master plan amendment and forwarded a request of certification to the City Council. She said Lennar Reno LLC originally applied for this planned development handbook amendment to include standards for a neo-traditional design and an MF15A land use designation, while also revising the 1999 maps to be in conformance with the 2006 Master Plan Amendment. Since Pioneer Meadows has never undergone a major handbook amendment, staff saw this as an opportunity to bring the 1999 handbook more into conformance with standard planning practices of today. Within the handbook amendment, the applicant has added standards for a new smaller lot single family residential design called SFR6, as well as a MF15A land use designation which allows for a neo-traditional compact detached single family residential design.

She said that for both the MF15 and MF15A land uses, staff has required that the applicant include density minimums in order to provide for a variety of housing types and promote higher densities in north Sparks. Staff has required a minimum overall density of 10 dwelling units per acre within the MF15 land use designated areas and required that the new MF15A land use designation include an overall density of 8 dwelling units per acre.

Ms. Pellett stated that prior to this planned development handbook amendment there was not a minimum number of dwelling units per acre that had been established for the multi-family designated parcels.

With the reduction of general commercial land use from 47 acres to 25 acres, staff has required the developer to remove mini-warehouses as a permitted use within this land use classification, due to the fact that the only general commercial land use within Pioneer Meadows remains at the highly visible intersection of Vista Boulevard and Wingfield Hills Parkway. She said staff believes that the mini-warehousing would not be the highest and best use for that land.

She said the business park land use underwent the most changes of all during this handbook amendment process; because the 1999 handbook includes a multitude of commercial and industrial uses within the business park designation and staff believes, at this time, these are not necessary to support a business park in north Sparks. The first major change is the differentiation between the 88 acres of business park designation in the northwest corner of the project and the 14 acre business park (A) in the southeast corner of the project site. Due to the small size and close

proximity to single family residential development, staff is in support of allowing a stand alone, assisted living facility at the 14 acre BP (A) site. Staff has also requested that the applicant provide for a wide array of allowed business park uses. Staff has limited ancillary uses (restaurants and pharmacies), which can only be a maximum of 15% of the cumulative business park area that has received site plan review approval. She explained this means that the commercial uses within the BP designation can only be included as support services to the business park and can only be established after allowed business park uses have received site plan approval. She said that staff has also requested that the applicant remove industrial type uses, such as outdoor storage and watchman's quarters. Mini-warehousing has also been removed from the BP designation.

Ms. Pellett said that within the 88 acre BP site, as a whole, staff has required that the applicant establish minimum overall floor area ratios of .5. This new FAR requirement, coupled with a change in the building set-backs to encourage parking on the sides and rear, will ensure that the buildings are more than one story in height which will create a more varied and interesting overall appearance for the development.

Ms. Pellet noted that changes have also been made to the handbook that bring the entitlement process more into conformance with typical City procedure. It now requires that all future residential projects within Pioneer Meadows apply for and receive approval of a tentative map, prior to submittal of a final map. The previous handbook only required for specific project review, which was administrative and staff believes that requiring that a tentative map come before the Planning Commission and the Council will lend itself to a more quality project.

Council Member Carrigan noted that the old handbook had a requirement for the Ward 4 Council Member to serve on the Pioneer Meadows Design Review Committee and he felt there was no longer a need for this. Ms. Pellett said that this requirement had been removed from the handbook.

Council Member Mayer asked if the roads in this project could empty onto Pyramid, or did they all empty onto Vista. Ms. Pellett said there will be a connection from Pioneer Meadows into the Stonebrook subdivision and it is also going to connect to the Kiley Ranch North subdivision, so this project will have access to the Pyramid Highway also.

Council Member Mayer asked what was finally approved as the

front yard set-back. Ms. Pellett said that front yard set-backs are typically 20 feet in standard zoning; however, there are multiple land use designations in this project. Mr. Tim Nelson, a Planner for the Consultant, noted that for the original SFR4, which was part of the original handbook, the front yard set-back was 15 feet to the structure and side-load garage and 20 feet to the face of the garage and 10 feet to a front porch. He said the new category of SFR6 has 10 feet to a structure, five foot to a covered porch, and 20 feet to the face of a garage.

Council Member Carrigan noted that he sat on the School Oversight Committee and one of their concerns was the School District's ability to buy the land for the school sites. He said it was his understanding that the City of Reno was able to require school site set-a-sides and then freeze the price, so if five years later they decided to purchase the land, it was purchased at the previous land value, not the current land value. Mr. Brian Hicks, Project Manager for Lennar Homes said they have made an offer to the School District at a 20% discount, unofficially, and they are working with the School District to give them the best price possible.

Council Member Moss asked about the build-out time table for the project. Mr. Hicks said it would take two to three years for the residential, but it would depend on how well the retail/commercial sold and he did not have any idea how long that might take.

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 Carrigan, seconded by Council Member Schmitt, to adopt Resolution No. 3039, associated with PCN06052, certifying the Planning Commission approval of a change in the Master Plan adopting findings MP1 through MP4 and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

A motion was made by Council Member Carrigan, seconded by Council Member Schmitt, to tentatively approve the Planned Development Handbook amendment associated with PCN06052 (Pioneer Meadows), adopting findings PD1 through PD21 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 (1) 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 point in time as stated in NRS 278A.490. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Motion carried.

PLANNED DEVELOPMENT FINDINGS:

PD1 The plan is consistent with the objective of furthering the public health, safety, morals and general welfare by providing for housing of all types and design.

This project will provide a maximum of 791 SFR4 units (detached single family), 600 RD10A units (smaller lot single family), and 1,365 MF15 and MF15A units (cluster, neo-traditional, and attached multiple-family). As can be seen from the wide array of densities and design styles allowed by the Pioneer Meadows Handbook, this plan will provide for numerous housing types and styles.

PD2 The plan is consistent with the objective of furthering the public health, safety, morals and general welfare by providing for necessary commercial and industrial facilities conveniently located to the housing.

The 640 acre site known as Pioneer Meadows combines 25 acres of General Commercial land use and 102 acres of Business Park land use with nearly 349 acres of residential land use. This combination of land uses will provide convenient access to employment and retail centers within the community.

PD3 The plan is consistent with the objective of furthering the public health, safety, morals and general welfare by providing for the more efficient use of land and public or private services.

By combining land uses such as Business Park, General Commercial, and Residential, residents will better be able to utilize the services they need without having to leave Pioneer Meadows. In addition, the higher density land uses within Pioneer Meadows promote attached housing product design, thus decreasing the overall amount of infrastructure required and increasing the percentage of common area for enjoyment by surrounding residents.

PD4 The plan is consistent with the objective of furthering the public health, safety, morals and general welfare by providing for changes in technology of land development so that resulting economies may be available to those in need of homes.

The mixed residential densities within Pioneer Meadows coupled with the General Commercial and Business Park land uses means that residents can find the type of housing for their income level while also being able to work close to home. This type of jobs/housing mix results in land development that is much different than the typical suburban development design.

PD5 The plan is consistent with the objective of furthering the public health, safety, morals and general welfare by providing for flexibility of substantive regulations over land development so that proposals for land development are disposed of without undue delay.

The Pioneer Meadows Planned Development Handbook provides a plan with standards that further the public health, safety, morals, and general welfare by providing flexible substantive regulations over the development of the land that will allow this project to move forward without undue delay. Staff has required many changes in this Amended Handbook that will result in less delay for future projects within Pioneer Meadows. Many uses which required Special Use Permit approval in the previous version of the handbook (PNC03027) can now be done with a Site Plan Review or a Building Permit, a process more common with current planning practices and procedures.

PD6 The plan does not depart from zoning and subdivision regulations otherwise applicable to the property and these departures are in the public interest for density.

The Pioneer Meadows Planned Development Handbook provides for densities and land uses that are in compliance with the City of Sparks Master Plan. Staff and the applicant are of the opinion that all departures are in the public's best interest.

PD7 The plan does not depart from zoning and subdivision regulations otherwise applicable to the property and these departures are in the public interest for bulk.

The proposed Planned Development Handbook regulations do not depart from zoning regulations for bulk. The plan provides for development that is comparable with similar uses in the surrounding Planned Developments. While this site is zoned PD, the permitted uses are typical uses found within the land use designations applied to the property by the City of Sparks Master Plan. Staff and the applicant are of the opinion that all departures are in the public's best interest.

PD8 The plan does not depart from zoning and subdivision regulations otherwise applicable to the property and these departures are in the public interest for use.

The 640 acres referred to as Pioneer Meadows is zoned PD

(Planned Development) and this Planned Development Handbook Amendment sets the zoning standards for the subject site. Allowed uses within Pioneer Meadows are similar or compatible to the uses called out as predominant and primary uses within the City of Sparks Master Plan. Setbacks and permitted uses deviate from City of Sparks Municipal Code requirements in order to allow for a wider variety of housing, commercial, and business park design. The plan provides for development that is comparable with similar uses in the surrounding Planned Developments. Staff and the applicant are of the opinion that all departures are in the public's best interest.

PD9 The ratio of residential to nonresidential use in the planned development is:

349 acres within Pioneer Meadows will be devoted to residential use while 127 acres will be devoted to Business Park and General Commercial use. This means that for every 2.75 acres of residential land use there is 1 acre of non-residential land use (BP or GC). It should also be noted that 164.2 acres within Pioneer Meadows will be utilized for Open Space, School, or Park sites.

PD10 Common open space in the planned development exists for what purpose, is located where within the project, and comprises how many acres (or what percentage of the development site taken as a whole).

164.2 acres within Pioneer Meadows will be devoted to public use. Included in this acreage is a total of 9 acres for park sites and an 8.5 acre school site. A Planned Development requires that 20% of the site remain as common open space, and even without the inclusion of the parks and school site, Pioneer Meadows exceeds this requirement by almost 19 acres.

The majority of common area within Pioneer Meadows is located around the perimeter of the project site, with approximately 3 miles of trails connecting residential areas to parks. In addition, a regional drainage facility is located within the common area of this development. Development standards for the common areas are described in detail in Section III of the Amended Pioneer Meadows Planned Development Handbook.

PD11 The plan does provide for the maintenance and conservation of the common open space by what method.

The Handbook provides that open space/common area will be maintained and conserved by the Homeowner's Association (HOA). However, the regional drainage facility on site will be maintained by both the City of Sparks and the HOA.

PD12 Given the plan's proposed density and type of

residential development, the amount and/or purpose of the common open space is determined to be adequate.

The amount of open space provided in Pioneer Meadows exceeds the Planned Development requirement for open space. Staff is of the opinion that the open space provided as a part of this development will meet the needs of the residents.

PD13 The plan does not provide for public services. If the plan provides for public services, then these provisions are adequate.

Section VII of the Amended Pioneer Meadows Planned Development Handbook discusses infrastructure and public services requirements. The timing of the implementation of necessary public services and infrastructure will be decided by the Engineering Manager of Community Development.

PD14 The plan does provide control over vehicular traffic.

A traffic study was submitted with the original Pioneer Meadows application and reflects there is adequate capacity on adjacent regional roads. The project will participate in the Regional Road Impact Fee program which accommodates for traffic capacity and signal improvements on regional roads.

PD15 The plan does provide for the furtherance of access to light, air, recreation and visual enjoyment.

The common open space associated with Pioneer Meadows will provide the residents access to light, air, recreation, and visual enjoyment. The project also includes 9 total acres of park sites for resident's enjoyment. Community recreation facilities are also allowed under many of the land use designations and attached multiple family developments will be required to provide residents with outdoor amenities. Trail systems will also connect residential development within Pioneer Meadows to open space and park sites.

PD16 The relationship of the proposed planned development to the neighborhood in which it is proposed to be established is beneficial.

The development will provide live/work opportunities to its residents while also providing a vast amount of open space for resident's enjoyment. These land uses and recreational opportunities will benefit not only the residents of Pioneer Meadows but the surrounding developments as well. The Regional Trail will also be constructed within Pioneer Meadows to connect to surrounding projects. This will allow for much needed pedestrian connectivity in north Sparks.

PD17 To the extent the plan proposed development over a number of years, the terms and conditions intended to protect the interests of the public, residents and owners of the planned development in the integrity of the plan are sufficient.

The standards contained in the Amended Pioneer Meadows Planned Development Handbook retain the integrity of the plan and define the responsible parties. The integrity of the plan is maintained to protect the interest of the public, residents and owners because the Development Handbook remains with the property. Any development proposal will need to comply with the plan and the development standards in the Handbook. Any substantial changes will be required to go through a subsequent Planned Development Handbook Amendment process.

PD18 The project, as submitted and conditioned, is consistent with the City of Sparks Master Plan.

The project is consistent with the Sparks Master Plan as discussed in Relationship to Master Plan section of this staff report.

PD19 The project is consistent with the surrounding existing land uses.

Pioneer Meadows incorporates a mix of land uses and densities to promote a balanced community with residential, commercial, business park, and recreational areas. The land uses surrounding Pioneer Meadows are compatible and complementary to the proposed uses.

PD20 Public notice was given and a public hearing held per the requirements of the Sparks Municipal Code.

Public notice has been distributed. The Planning Commission and City Council meetings function as public hearings for the matter. The Nevada Revised Statutes and Sparks Municipal Code public hearing requirements have been met. The project was noticed to all property owners within 750 feet of the project site as well as in the Sparks Tribune.

PD21 Modifications of the Pioneer Meadows Planned Development further the interest for the city and the residents and preserve the integrity of the plan.

The Pioneer Meadows Planned Development provides a mix of uses including single and multiple-family residential, General Commercial, and Business Park. This variety of uses will benefit the residents in the Pioneer Meadows community as well as those within the surrounding communities in all directions by providing convenient services and retail establishments to help meet day-to-day needs. The Handbook Amendment is consistent with the City of Sparks Master Plan.

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6. General Business: (Continued)

6.9

Time: 6:51:17 p.m.

Possible Closed Door Session

Possible motion to conduct a Closed Door Session concerning an appeal of termination under Section 3.050(3) of the Sparks City Charter regarding the removal of Neil Grad as an Assistant City Attorney (Closed Door Session may be held pursuant to NRS 241.030(1) to consider character, alleged misconduct, professional competence or mental health).

City Attorney Chet Adams noted that he was going to step down as legal counsel for this item and stepping up as legal counsel would be Alice Mercado Campos.

A motion was made by Council Member Carrigan, seconded by Council Member Moss, to conduct a closed door session concerning an appeal of termination under Section 3.050(3) of the Sparks City Charter. Council Members Mayer, Salerno, Moss, Carrigan, Schmitt, YES. Council Member Salerno, ABSENT. Motion carried.

Recess:

Time: 6:51:52 p.m.

The meeting was adjourned at 6:49 p.m. for a closed door session and was reconvened at 7:49 p.m.

6.10

Time: 7:49:49 p.m.

Possible Action on an Appeal of Termination by Neil Grad from the Position of Assistant City Attorney

An agenda item requesting the City Council consider an appeal of termination by Neil Grad from the position of Assistant City Attorney, pursuant to Sparks City Charter Section 3.050(3).

Council Member Schmitt said he wanted to allow for administrative leave, without pay, until an investigation can be done and both sides can get their act together and define the issues. He said he was not comfortable calling to uphold the termination and he was extremely uncomfortable trying to get both sides to work things out. He said it was not appropriate to allow Mr. Grad to go back and work for the City Attorney's Office at this time and it was also not appropriate to farm him out to another department.

Council Member Schmitt then made a motion to allow for administrative leave, without pay, until both sides can bring back some answers to the issues.

Council Member Mayer asked if what Mr. Schmitt was asking was to put Mr. Grad on administrative leave without pay while the City hires an outside investigator and the investigator takes as much time and money as we can afford and then the issue will come back to the Council. Council Member Schmitt responded that yes,

he was asking for an investigation because he felt they needed more detailed information because basically right now it is a “he said/he said” situation.

Mayor Martini said he felt the Council needed to make a decision and get this over with and that they had plenty of information provided to them in the closed session. He emphasized that the rules the City Attorney’s Office uses for termination are much different than the regular City employees and he felt the action Mr. Adams took was appropriate.

Mayor Martini asked if there was a second to Mr. Schmitt’s motion. There being no response, the motion died for lack of a second.

Council Member Carrigan made a motion to concur that the City Attorney acted within his authority in the termination of the employment of Neil Grad. The motion was seconded by Council Member Moss.

Council Member Mayer said he did not think he had all the information necessary to make a determination and asked if this matter could be postponed until further information was available.

Council Member Carrigan said the reason he made the motion was because: 1) the hiring and firing practice in the City Attorney’s Office is different than the rest of the City, and 2) it is a “he said/he said” scenario and it will most likely wind up in court. Council Member Carrigan said that he can’t see saying that Mr. Adams did not act within his authority and that with an “at will” employee, they can get fired any time, and if the employee feels it was for no just cause, the ball is in the employee’s court.

Council Member Moss said that what they are looking at is whether or not the City Attorney acted within his authority and she agreed with Council Member Carrigan that yes, he did act within his authority to terminate Mr. Grad. She said at this point, it was up to Mr. Grad to go forward with whatever legal action he wanted. She said she did not feel more information would change this issue of whether or not Mr. Adams acted within his authority.

A motion was made by Council Member Carrigan, seconded by Council Member Moss, to concur that the City Attorney acted within his authority in the termination of the employment of Neil Grad. Council Members Moss, Carrigan, YES. Council Member Mayer, NO. Council Member Schmitt, ABSTAIN. Council Member Salerno, ABSENT. Motion failed.

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Mayor Martini asked what action the Council wished to take now that the previous motion failed. Council Member Carrigan said he would try another motion to reinstate Mr. Grad as an Assistant City Attorney under Mr. Adams. The motion died for lack of a second.

Council Member Mayer said he did not want to vote one way or another and asked again if this issue could be postponed until the parties could have time to gather and present additional information. City Attorney Adams noted that he had another attorney who was supposed to start work next week and he did not want to delay because the new attorney has already quit their other job. He emphasized that the longer this issue is delayed the longer they are without adequate staffing in the office.

Council Member Carrigan asked if the motion to uphold the City Attorney's authority failed, is Mr. Grad still terminated. The response was yes, Mr. Grad was still terminated as a City employee.

9.
Comments from the
Council and City
Manager

Time: 8:00:12 p.m.
None.

10.
Adjournment

Time: 8:00:20 p.m.
There being no further business, the meeting was adjourned at 8:00 p.m.

Mayor

City Clerk

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