

SPECIAL MEETING OF THE SPARKS CITY COUNCIL  
September 25, 2006 3:00 p.m.

1.  
Call to Order Time: 3:02:40 p.m.  
The regular 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.  
Roll Call Time: 3:02:47 p.m.  
Mayor Geno Martini, City Clerk Debi Dolan, Council Members John Mayer, Phillip Salerno Judy Moss, Mike Carrigan (present at 3:12 p.m.), City Manager Shaun Carey and City Attorney Chet Adams, PRESENT. Council Member Ron Schmitt, ABSENT.

Staff Present: Rick Bareuther, Mike Biselli, Cindy Boggan, Rich Brown, Tom Clewell, Kathy Clewett, Al Corea, John Dotson, Steve Driscoll, Pete Etchart, Joyce Farley, Bill Findley, Sherri Flynn, George Graham, Bob King, Neil Krutz, Pete Litano, Adam Mayberry, Jen McCall, Chris McCubbins, Linda Patterson, Margaret Powell, Heidi Shaw, Wayne Seidel, Stan Sherer, Mindi Snyder, Chris Syverson, Jim Recob, Tom Riley, Jim Rundle, Chris Van Ness, Victor Villarreal, Dave Ville, Tracy Wheeler, various Fire Department personnel and Carrie Brooks.

Comments from the Public Time: 3:03:04 p.m.  
Shirley Bertschinger thanked Council Members Mayer and Salerno for their vote not to settle the Lazy 8 Casino issue and offered scathing comments toward the other members of the City Council.

Invocation and Pledge of Allegiance Time: 3:06:04 p.m.  
The invocation was given by Bishop Wolf Zappe from the Church of Jesus Christ of Latter Day Saints. The Pledge of Allegiance was led by Council Member Judy Moss.

Approval of the Agenda Time: 3:10:38 p.m.  
Consideration of taking items out of sequence, deleting items and adding items which require action upon a finding that an emergency exists.

A motion was made by Council Member Moss, seconded by Council Member Mayer, to approve the agenda as posted. Council Members Mayer, Salerno, Moss, YES. Council Members Carrigan, Schmitt, ABSENT. Motion carried.

Minutes of the Special Meeting of the Sparks City Council for September 25, 2006

3.

Approval of the Minutes

Time: 3:11:10 p.m.

Council Member Moss noted that the minutes for the meeting of August 23<sup>rd</sup> were not in the agenda packet and there was an error on page 8 of 24, the name of the Council Member was left out for the August 28<sup>th</sup> minutes. City Clerk Debi Dolan noted that the August 23<sup>rd</sup> minutes had not been completed yet and that the City Clerk's Office would make the appropriate correction to the August 28<sup>th</sup> minutes.

A motion was made by Council Member Salerno, seconded by Council Member Moss, to approve the minutes of the Regular Meeting of August 28, 2006 and the Regular Meeting of September 11, 2006, with corrections as stated. Council Members Mayer, Salerno, Moss, YES. Council Members Carrigan, Schmitt, ABSENT. Motion carried.

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

4.1

Proclamation – Official Day of Recognition for all Firefighters who have Died in the Line of Duty

Time: 3:12:21 p.m.

Mayor Martini read a proclamation naming October 8, 2006 as an Official Day of Recognition for all Firefighters who have died in the line of duty and called upon the citizens of Sparks to remember all fire and emergency personnel who have made the ultimate sacrifice in service to their community. The proclamation was accepted by Fire Chief Tom Clewell.

4.2

Proclamation – Fire Prevention Week

Time: 3:14:45 p.m.

Mayor Martini read a proclamation naming the week of October 8-14 as Fire Prevention Week and called upon all residents to heed the important safety messages of Fire Prevention Week 2006. Fire Marshall Bob King accepted the proclamation and spoke about fire safety and the "Prevent Cooking Fires: Watch What You Heat" slogan of this year's fire safety campaign. He also invited everyone to the annual Fire Department Pancake Breakfast to be held on Saturday, October 8, 2006.

4.3

Introduction of a New Employee in Information Technology

Time: 3:21:40 p.m.

Information Technology Manager Rick Bareuther introduced the new Systems Developer in the IT Department, Rich Brown. The Council welcomed Mr. Brown to the City of Sparks.

5. Consent Items:

Time: 3:24:22 p.m.

A motion was made by Council Member Mayer, seconded by Council Member Moss, to approve Consent Items 5.1 through 5.26. Council Members Mayer, Salerno, Moss, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

Minutes of the Special Meeting of the Sparks City Council for September 25, 2006

- 5.1  
Report of Claims and Bills and appropriation Transfers
- 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 August 24, 2006 through September 6, 2006.
- 5.2  
Alcoholic Beverage Package License for Winner's Corner #526, Located at 2805 N. McCarran Blvd.
- An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Salvatore Robert Morabito, 6475 Montreux Lane, Reno, NV 89511, for an Alcoholic Beverage Package License for Berry-Hinckley Industries doing business as Winner's Corner #526 located at 2805 N. McCarran Boulevard. Mr. Morabito is the Vice President of Berry-Hinckley Industries and currently holds nine liquor licenses in the City of Reno. This will be his first license in Sparks. The license will provide a \$700.00 annual fee, plus \$1.00 per \$1,000.00 over \$25,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.
- 5.3  
Alcoholic Beverage Package License for Winner's Corner #25, Located at 1600 Victorian Avenue
- An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Salvatore Robert Morabito, 6475 Montreux Lane, Reno, NV 89511, for an Alcoholic Beverage Package License for Berry-Hinckley Industries doing business as Winner's Corner #25 located at 1600 Victorian Avenue. Mr. Morabito is the Vice President of Berry-Hinckley Industries and currently holds nine liquor licenses in the City of Reno. This will be his first license in Sparks. The license will provide a \$700.00 annual fee, plus \$1.00 per \$1,000.00 over \$25,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.
- 5.4  
Alcoholic Beverage Package License for Winner's Corner #508, Located at 1365 Baring Blvd.
- An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Salvatore Robert Morabito, 6475 Montreux Lane, Reno, NV 89511, for an Alcoholic Beverage Package License for Berry-Hinckley Industries doing business as Winner's Corner #508 located at 1365 Baring Boulevard. Mr. Morabito is the Vice President of Berry-Hinckley Industries and currently holds nine liquor licenses in the City of Reno. This will be his first license in Sparks. The license will provide a \$700.00 annual fee, plus \$1.00 per \$1,000.00 over \$25,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.
- 5.5  
Alcoholic Beverage Package License for Winner's Corner #13,
- An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Salvatore Robert Morabito, 6475 Montreux Lane, Reno, NV 89511, for an Alcoholic Beverage Package License for Berry-Hinckley

Minutes of the Special Meeting of the Sparks City Council for September 25, 2006

Located at 1390 Disc Drive

Industries doing business as Winner's Corner #13 located at 1390 Disc Drive. Mr. Morabito is the Vice President of Berry-Hinckley Industries and currently holds nine liquor licenses in the City of Reno. This will be his first license in Sparks. The license will provide a \$700.00 annual fee, plus \$1.00 per \$1,000.00 over \$25,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.6  
Alcoholic Beverage Package License for Winner's Corner #400, Located at 205 N. McCarran Blvd.

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Salvatore Robert Morabito, 6475 Montreux Lane, Reno, NV 89511, for an Alcoholic Beverage Package License for Berry-Hinckley Industries doing business as Winner's Corner #400 located at 205 N. McCarran Boulevard. Mr. Morabito is the Vice President of Berry-Hinckley Industries and currently holds nine liquor licenses in the City of Reno. This will be his first license in Sparks. The license will provide a \$700.00 annual fee, plus \$1.00 per \$1,000.00 over \$25,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.7  
Alcoholic Beverage Package License for Winner's Corner #506, Located at 2095 Brierley Way

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Salvatore Robert Morabito, 6475 Montreux Lane, Reno, NV 89511, for an Alcoholic Beverage Package License for Berry-Hinckley Industries doing business as Winner's Corner #506 located at 2095 Brierley Way. Mr. Morabito is the Vice President of Berry-Hinckley Industries and currently holds nine liquor licenses in the City of Reno. This will be his first license in Sparks. The license will provide a \$700.00 annual fee, plus \$1.00 per \$1,000.00 over \$25,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.8  
Alcoholic Beverage Package License for Western Mountain #200, 350 N. McCarran

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Salvatore Robert Morabito, 6475 Montreux Lane, Reno, NV 89511, for an Alcoholic Beverage Package License for Berry-Hinckley Industries doing business as Western Mountain #200 located at 350 N. McCarran Boulevard. Mr. Morabito is the Vice President of Berry-Hinckley Industries and currently holds nine liquor licenses in the City of Reno. This will be his first license in Sparks. The license will provide a \$700.00 annual fee, plus \$1.00 per \$1,000.00 over \$25,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

Minutes of the Special Meeting of the Sparks City Council for September 25, 2006

5.9

Alcoholic Beverage  
Package License for  
Winner's Corner #26,  
Located at 2169 Prater  
Way

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Salvatore Robert Morabito, 6475 Montreux Lane, Reno, NV 89511, for an Alcoholic Beverage Package License for Berry-Hinckley Industries doing business as Winner's Corner #26 located at 2169 Prater Way. Mr. Morabito is the Vice President of Berry-Hinckley Industries and currently holds nine liquor licenses in the City of Reno. This will be his first license in Sparks. The license will provide a \$700.00 annual fee, plus \$1.00 per \$1,000.00 over \$25,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.10

Alcoholic Beverage  
Package License for  
Winner's Corner #210,  
Located at 400 Greenbrae  
Drive

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Salvatore Robert Morabito, 6475 Montreux Lane, Reno, NV 89511, for an Alcoholic Beverage Package License for Berry-Hinckley Industries doing business as Winner's Corner #210 located at 400 Greenbrae Drive. Mr. Morabito is the Vice President of Berry-Hinckley Industries and currently holds nine liquor licenses in the City of Reno. This will be his first license in Sparks. The license will provide a \$700.00 annual fee, plus \$1.00 per \$1,000.00 over \$25,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.11

Alcoholic Beverage  
Package License for  
Winner's Corner #14,  
Located at 2191 Pyramid  
Way

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Salvatore Robert Morabito, 6475 Montreux Lane, Reno, NV 89511, for an Alcoholic Beverage Package License for Berry-Hinckley Industries doing business as Winner's Corner #14 located at 2191 Pyramid Way. Mr. Morabito is the Vice President of Berry-Hinckley Industries and currently holds nine liquor licenses in the City of Reno. This will be his first license in Sparks. The license will provide a \$700.00 annual fee, plus \$1.00 per \$1,000.00 over \$25,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.12

Alcoholic Beverage  
Package License for Citi  
Mart, Located at 91 E.  
Prater Way

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Ms. Neelam Khera, 823 Santi Court, Yuba City, CA 95993, for an Alcoholic Beverage Package License for RSK Stores Corporation doing business as Citi Mart located at 91 E. Prater Way. This will be Ms. Khera's first license in Sparks. The license will provide a \$700.00 annual fee, plus \$1.00 per \$1,000.00 over \$25,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

Minutes of the Special Meeting of the Sparks City Council for September 25, 2006

5.13

On Premises Alcoholic Beverage License for Chili's Grill & Bar, Located at 137 Los Altos Parkway

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Roger Farley Thompson, 3925 A Gilbert Avenue, Dallas, TX 75219, for an On Premises Alcoholic Beverage License for Brinker Nevada, Inc., doing business as Chili's Grill & Bar located at 137 Los Altos Parkway. Mr. Thompson is the Executive Vice President and Chief Administrative Officer Of Brinker International Restaurants of Dallas, Texas and this will be his first liquor license in Sparks. The license will provide a \$1,000.00 annual fee, plus \$1.00 per \$1,000.00 over \$50,000.00 annually and is contingent upon inspections and approvals from various agencies as stated in the staff report.

5.14

Gaming License for Mexico Lindo Market, Located at 1825 Prater Way

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Roger L. Fuller, 11032 Dixon Lane, Reno, for a Gaming License for Dynasty Games, doing business at Mexico Lindo Market, located at 1825 Prater Way. Mr. Fuller is the owner of Dynasty Games and has been previously licensed for gaming in Sparks. This license is for five upright poker machines: 3 quarater and 2 nickel denominations; and approval will result in a \$600.00 annual fee, contingent upon inspections and approvals from various agencies as stated in the staff report.

5.15

Gaming License for Leroy's Horse & Sports Place dbat John Ascuaga's Nugget, Located at 1100 Nugget Avenue

An agenda item from Police Chief John Dotson recommending the City Council approve an application from Mr. Timothy Francis Lockinger, 5341 W. Esparon Avenue, Las Vegas, NV, for a Gaming License for Leroy's Horse & Sports Place doing business at John Ascuaga's Nugget, located at 1100 Nugget Avenue. Mr. Lockinger is the CFO/Secretary/Treasurer of Amering Wagering, Inc. and has been previously licensed for gaming in Sparks. This license is for a race horse book to include off-track pari-mutuel wagering and one sports book and approval will result in a \$1,200.00 annual fee, contingent upon inspections and approvals from various agencies as stated in the staff report.

5.16

Agreement for Sale of Treated Effluent

An agenda item from Public Works Director Wayne Seidel recommending the City Council approve an Agreement for Sale of Treated Effluent with Spanish Springs Shopping Center, LLC for landscape irrigation within the Spanish Springs Town Centre development. The City of Sparks' effluent pipeline was extended within the Galleria and Sparks Town Centre developments as part of the overall development. The shopping center is currently under construction and they desire to irrigate right-of-way and on-site landscaping 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 \$3,123 per year. The agreement

Minutes of the Special Meeting of the Sparks City Council for September 25, 2006

specifies a 20 year period that is revisited every five years to determine appropriate water rates.

5.17

Extension of Contract (C-976) for Dewatering Polymer

An agenda item from Treatment Plan Operations Superintendent Starlin Jones recommending the Council approve a one year contract extension (C-976) with Polydyne Inc., to supply secondary and dewatering polymer at a price of \$0.98 per pound for the Truckee Meadows Water Reclamation Facility. The extension will begin on December 1, 2006 and expire on November 30, 2007. The polymer market has been unstable because of crude oil prices, shortages of acrylic acid, supply and demand and the prices have increased significantly over the past two years. Locking into a one year contract insures TMWRF a competitive market price for this component which is essential to the treatment of waste water. The cost of the polymer will be split 70/30 between the Cities of Reno and Sparks, with Sparks' costs estimated to be \$299,213 for the year.

5.18

Refund of Permit Fees to Pacific West Builders for Permit A0506580

An agenda item from Building Official Curt Weagel recommending the Council approve a refund of permit fees to Pacific West Builders, LLC on Permit No. A0506580 in the amount of \$3,665.91. Pacific West Builders brought a check from their main office to pay for permit fees. The check was written for more than the necessary amount. The City was asked to accept the payment and refund the difference because Pacific West did not want to delay the permit by request a new check from their finance department.

5.19

Approval of Increase for the Legal Defense Contract

An agenda item from Court Administrator Heidi Shaw recommending that the City Council approve an increase in the annual payment of the Indigent Legal Defense Contract from \$110,000 to \$130,000. This contract was awarded to Daniel McCormick, Esq. on September 30, 2002 and has been automatically extended on the same terms and conditions for successive one year periods since 2004. Mr. McCormick provides representation of indigent defendants in all stages of criminal proceedings in Sparks Municipal court. Even with the increase, this contract is still below the costs for these same services with a previous supplier. Funds for this increase will be transferred from the Indigent Defense Contract for the Alcohol and Other Drug Court contract (\$15,000) which is now being funded from specialty court fund monies and from funds (\$5,000) already in the Court budget, so there will be no increase in the Municipal Court budget for this contract increase.

5.20

Bid Award for Northeast

An agenda item from Civil Engineer Kelly McGlynn recommending the Council award to Michels Corporation the bid

Minutes of the Special Meeting of the Sparks City Council for September 25, 2006

interceptor Manhole  
Rehabilitation Project

(No. 06/07-010) for the Northeast Interceptor Manhole rehabilitation Project in the amount of \$76,000. This project will address the need to rehabilitate manholes on the Northeast Sewer Interceptor by lining the manholes with a calcium aluminate cementitious product that is resistant to biogenic corrosion related to hydrogen sulphide and that will also restore the structural integrity of the manholes. Per an interlocal agreement (A-3232) with Washoe County, effective June 26, 2005, Washoe County is required to reimburse the City for costs incurred for conditions inspections and repairs to the sewer interceptor between La Posada and Vista. The chosen method of rehabilitation has been approved by Washoe County and is in accordance with the interlocal agreement.

5.21  
Lease Agreement for  
Land and Building  
Located at 1989 Pacific  
Avenue

An agenda item from Real Property Agent Dave Vill recommending the City Council approve a lease agreement with Peavine Leasing, Inc., for the land and building located at 1989 Pacific Avenue in the amount of \$2,450.00 per month, plus a security deposit of \$3,196.69. The contract is for 10 years and also has an annual 3% escalator clause. The City would be responsible for landscape maintenance on the site, which is located across the street from the City's existing maintenance yard. This leased facility would provide space for the Street and Sign crews plus two heated vehicle parking bays. This would free up two vehicle maintenance bays at the Maintenance Yard at 225 South 21<sup>st</sup> Street. In 2006/2007 approximately \$100,000 was budgeted to construct a 40x20 foot addition to Shop #1 at the maintenance yard, which would provide an additional vehicle maintenance bay. A portion of the budget for construction of the additional bay will now be utilized to pay the first year lease payment, plus the security deposit.

5.22  
Approval for Purchase of  
Eight Defibrillators

An agenda item from Fire Chief Tom Clewell requesting the City Council to authorize the Fire Department to purchase eight defibrillators in the amount of \$71,721.60. These defibrillators will replace existing Zoll, 1600 Series defibrillators, which are obsolete and no longer supported by the manufacturer. No funds were budgeted for this unexpected expense and while some of the cost could be offset by salary savings from the first two quarters of this fiscal year, any remaining amount for the purchase of the defibrillators would need to come from the general city fund.

5.23  
Approval of New  
Classifications and  
Complement Changes to  
the Public Works

An agenda item from Assistant City Manager Steve Driscoll, Public Works Director Wayne Seidel and Parks and Recreation Director Stan Sherer recommending the City Council approve new classifications and complement changes to the Public Works Department and the Parks and Recreation Department. The



Minutes of the Special Meeting of the Sparks City Council for September 25, 2006

Department and the Parks and Recreation Department following positions were approved by the Council for Phase 2 of the Public Works Reengineering Plan: Senior Public Works Inspector, Maintenance Crew Leader, Lead Electrician, Lead Mechanic. The following positions were not submitted in the May 2005 Reengineering Plan: Maintenance Manager, Maintenance Superintendent, Parks Crew Leader. In addition, a title change from Collection systems Worker I/II to Sewer/Drain Utility Worker I/II is being requested and a request is also being made to upgrade the pay range of the Urban Forester to ensure internal equity among job classifications. The financial impact of these complement changes and new classifications is calculated to be \$74,039; \$70,823 of which has been previously approved by the Council.

5.24  
Approval of the New Titles and Reclassifications in the Management, Professional and Technical Resolution

An agenda item from Assistant City Manager Steve Driscoll recommending the Council approve the creation of the title of Maintenance Superintendent and the reclassification of Maintenance Services Manager to Maintenance Manager in the Management, Professional and Technical Employee resolution. By adding the new classifications there is no change in language in the current Resolution, but required changes to Appendix A – Management Job Class and Salary Wage Ranges, as outlined in the staff report.

5.25  
MOU with OE3 Supervisory Unit to Allow New Job Titles

An agenda item from Assistant City Manager Steve Driscoll recommending the Council approve a Memorandum of Understanding (MOU) with Operating Engineers Union Local #3 Supervisory Unit (OE3) to amend the Operating Engineers contract to allow the titles of Maintenance Crew Leader, Community Service Crew Leader, Parks Crew Leader, Lead Mechanic, Lead Electrician and Urban Forester. These title additions and changes are a result of a reengineering of the Public Works and Parks and Recreation Departments.

5.26  
MOU with OE3 Non-Supervisory Unit to Allow New Job Titles

An agenda item from Assistant City Manager Steve Driscoll recommending the Council approve a Memorandum of Understanding (MOU) with Operating Engineers Union Local #3 Non-Supervisory Unit (OE3) to amend the Operating Engineers contract to allow the titles of Senior Public Works Inspector, Sewer/Drain Utility Worker I and Sewer/Drain Utility Worker II. These title additions and changes are a result of a reengineering of the Public Works and Parks and Recreation Departments.

6. General Business:

6.1  
Federal, State, Nevada League of Cities and

Time: 3:25:54 p.m.  
Assistant City Manager Steve Driscoll provided a verbal review of the written report submitted in the Council's agenda packet, stating

Minutes of the Special Meeting of the Sparks City Council for September 25, 2006

Local Legislative Affairs  
Issues

in the local arena there is a lot of focus on the public safety initiative that we are putting on the ballot; the advisory question that could potentially raise sales tax by one quarter of one cent, if approved by the legislature. Currently the Police Chief and his organization, along with Reno and Washoe County's law enforcement and fire personnel are going around and answering questions on an informational basis to service groups and organizations to explain the need and how the sales tax would work.

Mr. Driscoll said a topic that continues to be around and was part of an interim committee dealing with the property tax cap: we continue to work with Washoe County on the redevelopment area and the centrally assessed tax roles and solidify the formula that Washoe County is using. He said we are also working with the Washoe County in the assessor, treasurer and finance function to develop a check and balance for the annual cycles. There are about four steps from when preliminary numbers become final numbers and we have an agreement with Washoe County to work on getting those long reports that are parcel number based so we can review them for abnormalities and then work with their staff to make sure that before the final numbers we don't run into glitches.

Mr. Driscoll said the Government Affairs function is working on a local basis, as well as a national basis, on our single bill draft issue graffiti initiative. He said staff is trying to make sure we understand what is happening across the country as much as possible and what we are doing inside the State.

He said Mr. Joiner met with several leaders in Las Vegas last week, including Mr. Warren Hardy, Chair of the Senate Government Affairs Committee. Mr. Hardy shared with us that eminent domain will certainly be a topic of conversation and this will go through his committee.

Mr. Driscoll said that at this point the interim session is done and those committees that utilized their BDRs have them out, but we don't yet know what they look like. The two that we are looking at are the SCR26 Subcommittee dealing with the Washoe County water issue (they do have BDR language out that is dealing with the governance model as it relates to the Regional Water Planning Commission) and ACR10, dealing with the Public Employees Benefits Program. There is no legislation being proposed at this point that mandates any jurisdiction in the state to utilize only the PEBP; we can use whatever we have, but we can be a PEBP member and if our employees retire, they still have PEBP as an option for post retirement medical coverage.

He said the voter initiatives have had a lot of press. The Tax and Spend Control Initiative was stricken by the Nevada Supreme Court and because of that invalidation, this initiative will not be on the ballot in November. However, the sponsor of this original bill, since he is a member of the legislature, there will still be a lot of consideration and maybe a legislative initiative to do something similar with spending and control mechanisms, but they would not be a constitutional amendment.

While there were some things that were taken out of the Property Owners Bill of Rights Eminent Domain initiative and not allowed by the Supreme Court, the main part of that initiative, being the taking of private property and not being allowed to give it to another private party for development is still in the initiative.

Mr Driscoll said the Urban Consortium met last Thursday and discussed all the state issues, as well as franchise agreements. The franchise topic did not come up in the interim committee; however, the Chairman of the Commerce Committee has stated he has the prerogative to bring something forward and right now there is a lot of research being done on the California bill. The concern is that the State would have a single franchise agreement with all providers and that the monies that would be paid to the State would not find their way to the local entities and also that the right-of-way control would remain with the state and not work its way to the local entities. This is troublesome in that the State does not own and operate those assets: the cities and counties do.

He said that on a Federal basis, there is no action going on with the appropriation requests we have now. Congress is really not in session, just a few hearings. He said we expect that after the election there will be a lame duck session and we are not sure what will happen to the appropriations we have "in the funnel".

Mr. Driscoll said staff is putting together the next cycle of appropriation requests, as well as new needs and they should be finalized at the end of this calendar year in preparation of visits we will make during the first quarter of next year.

Council Member Moss reported on the BDR that the Flood Project Coordinating Committee is working on. She said they are working on the language and they are basing the BDR on existing NRS and trying to craft it so that Washoe County has some additional flexibility to do what we need to do up here.

Council Member Mayer said he is on the committee to against the

eminent domain initiatives and they have done some modeling, state-wide on the potential affect of the bill on road and civic projects and it could potentially cost about 70% more in right-of-way costs for major projects. He suggested that the time and location of informational meetings on this and other initiatives be put on the City's web site.

6.2

Extension of the Two-Year Donation of a D.A.R.E. Motorcycle from Reno Harley-Davidson/Buell

Time: 3:41:57 p.m.

An agenda item from Police Chief John Dotson requesting the City Council approve an extension of the two-year donation of a D.A.R.E. Motorcycle from Reno Harley-Davidson/Buell for a second two-year period. This is a very cost effective way to be unique in the D.A.R.E. Program. Reno Harley-Davidson/Buell would provide routine maintenance of the motorcycle, which is approximately a \$2,200 per year value. The City would be responsible for vehicle registration, insurance, and fuel at an estimated cost of \$500 per year.

A motion was made by Council Member Mayer, seconded by Council Member Moss, to approve an extension of the donation of a D.A.R.E. Motorcycle for a second two-year period. Council Members Mayer, Salerno, Moss, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

6.3

PCN06009, Trammel Crow, Final Approval of the Development Design Standards for the District at Victorian Square

Time: 3:43:59 p.m.

An agenda item from Associate Planner Jim Rundle requesting the City Council approve PCN06009, a request from the City of Sparks for Trammel Crow for a finding of substantial compliance with the Tentative Approval of the development design standards for The District at Victorian Planned Development.

Mr. Rundle noted that in the tentative review the Council asked if construction hours were included in the handbook and they have been added. He said the rest of the handbook is the same and therefore staff is recommending final approval of the handbook.

A motion was made by Council Member Mayer, seconded by Council Member Salerno, to find PCN06009, The District at Victorian Design Standards Handbook, in substantial compliance with the Tentative Approval and the facts supporting these findings as set forth in the staff report. Council Members Mayer, Salerno, Moss, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

6.4

1<sup>st</sup> Reading of Bill No. 2521, Amending Chapter

Time: 3:45:47 p.m.

City Clerk Debi Dolan read Bill No. 2521 by title, an ordinance modifying and correcting the City's gateway sign provisions and

Minutes of the Special Meeting of the Sparks City Council for September 25, 2006

20.56 Regarding Gateway Streets/Signs adding a new gateway street; 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 October 9, 2006.

6.5

Time: 3:46:10 p.m.

1<sup>st</sup> Reading of Bill No. 2522, Amending Chapter 20.49 Regarding New Parking Requirements for Clinics and Medical and Dental Offices

City Clerk Debi Dolan read Bill No. 2522 by title, an ordinance amending Chapter 20.49 of the Sparks Municipal Code (Parking) to (1) amend the text relating to alternative parking space requirements in the City of Sparks; and (2) establish new parking requirements for clinics and medical and dental offices; 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 October 9, 2006.

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

7.1

Time: 3:46:44 p.m.

P.H. on the Abandonment of Two Public Access Easements

An agenda item from Real Property Agent Dave Vill requesting the City Council conduct a public hearing and approve the abandonment of two public access easements over private streets, and the dedication of a new public access easement within the official plat of Crestgate Pyramid Subdivision, Tract Map 3582. The abandonment of the two public access easements and the acceptance of a new public access easement are to facilitate the construction of a new office building by the owners, Sycamore Gardens, a California Limited Partnership. All the roads within the Crestgate Pyramid subdivision are privately owned with public access easements.

Mr. Vill displayed a map of the existing easements to be abandoned and the proposed new easement and the location of the proposed building.

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 Moss, to approve the abandonment of the two public access easements and the acceptance of a new public access easement. Council Members Mayer, Salerno, Moss, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

7.2

P.H. on the Prioritization of the City of Sparks Self-Directed Funding Allocation of the Washoe County HOME Consortium

Time: 3:50:42 p.m.

An agenda item from Senior Planner Victor Villarreal requesting the City Council conduct a public hearing and prioritize the City of Sparks self-directed funding allocation of the Washoe County HOME Consortium (WCHC) for continuation of the Homeowner-Occupied Housing Rehabilitation Program, implementation of a Rental Rehabilitation Program and the support of other affordable multi-family housing development(s).

Mr. Villarreal stated that Council's approval tonight will essentially prioritize how they would like to see the Sparks portion of the Washoe County HOME Consortium spent for the next fiscal year of 2007/2008. He noted that at the September 11<sup>th</sup> Council Meeting Housing Specialist George Graham brought forward an agreement with the lead agency of the Consortium to continue the funding of our homeowner occupied housing rehabilitation project for fiscal year 2006/2007. At that meeting Council Member Mayer asked if there were any other projects that could be funded through this funding source. He said the answer was yes, and that is what the Council will take the first step toward for the coming fiscal year. He said staff is recommending, in addition to continuing to prioritize the homeowner occupied housing rehabilitation projects, that we add a priorities rental rehabilitation and development of affordable multi-family units, should applications for such project be brought forward during this funding round.

Mr. Villarreal then discussed the time line for the next funding round, noting that the application deadline is January 5, 2007.

Council Member Carrigan noted that there was nothing in the report that explained the rental rehabilitation program. Mr. Villarreal said it was mentioned in the report; however a detailed description would be dependant upon what kind of applications are brought forward by affordable housing service providers. He said that last year this was a funding priority, but no project requests were submitted, so we did not fund any. He said if the Council approved staff's recommendation, it would be a priority, but funding would depend on whether any applications came forward during the application process.

Council Member Carrigan asked for a brief summary of what rental rehabilitation entailed. City Planner Margaret Powell explained that rental rehabilitation is a program where the City works with owners that have rental properties to improve the properties and in the past we have used the money to change out

electric baseboard heat to a gas furnace system in the older apartment complexes; we have used the money to repair and rehab of exteriors on larger apartment complexes; and we have helped fix up the smaller unit apartment complexes. Council Member Carrigan said he had a problem with improving a rental unit, because then the property owner can charge more for rent. Ms. Powell emphasized that part of the rental rehabilitation program is that the occupants have to be income qualified for a period of time (referred to as an affordability period). She said that the HOME fund, historically, have a 30 to 50 year affordability clause. She said the rental rehabilitation program would rent restrict those units that received the improvements.

Mayor Martini asked if there was a dollar amount limit on how much a project can receive. Ms. Powell said it would depend on the applications that come in, but typically we do not see the smaller rehabilitation projects in the application process.

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

A motion was made by Council Member Salerno, seconded by Council Member Mayer, to prioritize the City of Sparks self-directed funding allocation of the Washoe County HOME Consortium as outlined. Council Members Mayer, Salerno, Moss, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

7.3

P.H. on the consolidated Plan Annual Performance and Evaluation Report for Program Year 2005

Time: 4:02:08 p.m.

An agenda item from Grants Administrator Tracy Wheeler requesting the City Council conduct a public hearing on the Consolidated Plan Annual Performance and Evaluation Report (CAPER) for program year 2005 for the City of Sparks and approve submittal of the report to the U.S. Department of Housing and Urban Development (HUD) by September 30<sup>th</sup>, 2006. The CAPER provides an overview of how Sparks, Reno and Washoe County expended HUD funding (CDBG and HOME) and of the jurisdictions' community development and affordable housing accomplishments during the 2005 program year (2005-2006 local government fiscal year). Submission of the CAPER is a condition of receiving federal Community Development Block Grant and HOME program funding.

Ms. Wheeler noted that this annual report to HUD outlined what we do with our CDBG dollars, our leveraged City dollars, and our participation in the WCHC. She said the executive summary

outlines the project that the City of Sparks successfully undertook this past year, including: \$104,000 was granted out to public services; \$230,000 was allocated for housing rehabilitation loans and grants; we assisted the City of Reno with the community center by allocating \$250,000 toward the design of Phase II; and partnered with Washoe County School District in replacing the entire track and football field facility at Sparks High School.

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 Moss, to approve submittal of the report to the U.S. Department of Housing and Urban Development. Council Members Mayer, Salerno, Moss, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

7.4

Adoption of Bill No. 2520, Amending the SMC relating to 1<sup>st</sup> Amendment Rights

Time: 4:05:52 p.m.

An agenda item from City Attorney Chet Adams recommending the City Council conduct a public hearing and adopt Bill No. 2520, an ordinance amending the Sparks Municipal Code by adding thereto a new chapter relating to the exercise of first amendment rights in city parks, Victorian Square and other public areas; establishing procedures to allow expressive parades and expressive special events for the exercise of first amendment rights; requiring the parks and recreation department to designate free speech areas in certain parks and in Victorian Square; authorizing reasonable time, place and manner restrictions on speech in the parks and in Victorian Square; providing for the sale of "free speech" merchandise; and providing other matters properly relating thereto.

Assistant City Attorney Tom Riley noted that there has been a history of first amendment litigation with the City, starting with the billboard war; and, most recently, a street artist. He said the potential for first amendment litigation is huge and cases on the west coast are rampant. He said due to the street artist case, he reviewed our ordinances and noted there was no provision for allowing first amendment parades, demonstrations, rallies, etc. that every City gets hit with sooner or later, regardless of the topic.

Mr. Riley said he then created an entirely new chapter in the Sparks Municipal Code pertaining only to first amendment rights. This means that if it is a qualifying event (truly first amendment expression) it falls into this new chapter. He noted that under this new chapter a permit is not required unless there are 150+ participants in the event: that is a magic number put in place by the



Ninth Circuit and we are just stuck with it. He said that under 150 participants you can put some pretty severe restrictions on time, place and manner of the demonstration, parade or whatever and that we have done by essentially allowing sidewalk parades rather than parades down the center of the street. He said that the Ninth Circuit has upheld just about everything in this ordinance in a June decision called *Santa Monica Food Not Bombs*. This organization has as a policy to feed the homeless, not war and they recently sued Las Vegas.

Mr. Riley said the ordinance has a provision to do sidewalk parades and allows up to 500 people to use the sidewalks, in groups of no more than 50 each, two by two. They can't block the sidewalk; they have to allow people to pass; they have to obey all traffic laws and all other laws; but they can do this without a permit, basically any time they want. He said if they want to demonstrate in a park, a provision has been added to allow demonstrations in a limited number of parks. He said the two that came to mind were Deer Park and Willow Creek: Willow Creek because it has a large open area that is hardly ever used and Deer Park because it is right down town. Also some areas of Victorian Square that are not being used by the public at the time.

Mr. Riley said we have opened things up, if this ordinance is passed, to the point where if a suit is filed, we will be in good shape and he is recommending that the Council approve this ordinance. He said right now we are exposed to litigation because our code is unlawful, on its face, with out anyone attempting to get a permit or hold a demonstration.

Council Member Mayer said he thought this ordinance was a long time coming and we should have done this a long time ago. He noted that RTC was recently reprimanded because of their 3-day before the event application process and noted he did not see a time limit for applications in this ordinance. Mr. Riley said we have designated free speech areas in Victorian Square and part of this ordinance deals specifically with petition gathering. He said there was a State law passed during the last Legislative Session and in order to make it more useable for the City, he took the important parts of the State law and put them into this ordinance. He said there are designated areas outside every public building for free speech activities and he has made it clear in this ordinance that they were not deemed public forums, but can only be used for certain purposes, such as petition gathering. He said the ordinance also makes it very clear that no interior of any government (City owned) building is a public forum and the only exception is if the City Council chooses to let people speak in open meetings, like we

always do. He emphasized that the ordinance parallels state law, except he put provisions that prevented people from blocking public entrances due to fire and safety concerns. Mr. Riley said the ordinance also covers sidewalks and the placement of print media and other vending.

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

A motion was made by Council Member Moss, seconded by Council Member Carrigan, to approve Bill No. 2520 (Ordinance No. 2340). Council Members Mayer, Salerno, Moss, Carrigan, YES. Council Member Schmitt, ABSENT. Motion carried.

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

9.  
Comments from the  
Council and City  
Manager

Time: 4:19:36 p.m.

Council Member Moss thanked everyone who sent condolences on her Mom's passing.

Council Member Mayer asked about a plaque being added to the Veterans Monument for veterans recently killed. He also complained about the street cut on Prater Way between 10<sup>th</sup> and 11<sup>th</sup> Streets.

10.  
Adjournment

Time: 4:23:55 p.m.

There being no further business, the meeting was adjourned at 4:23 p.m.

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Mayor

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City Clerk

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